

THE CRIME OF ONLINE CHILD SEXUAL EXPLOITATION IN JORDANIAN LEGISLATION: A LEGAL-PSYCHOLOGICAL STUDY

DR. MAJED MOHAMMAD ALI LAFI

ASSISTANT PROFESSOR IN CRIMINAL LAW AJLOUN NATIONAL UNIVERSITY – COLLEGE OF LAW
EMAIL: m.lafi@anu.edu.jo

ABSTRACT

This research addresses a topic of great importance in our current era: the victim of this crime is a group unable or unwilling to comprehend the nature of their actions. This is especially true given that the internet has entered every home worldwide and is used more by children than others for entertainment, play, and socializing. Therefore, this crime is different from other sexual crimes that target children's bodies directly. Rather, its goal is often to achieve financial gain for the perpetrators. This crime is considered a cross-border crime, resulting in significant physical and psychological repercussions for the child (victim) or their family and relatives. Therefore, it is imperative for all countries to address such crimes. Through reviewing Jordanian legislation, I decided to shed light on this crime by analyzing the legal texts related to this crime, highlighting its strengths and weaknesses, and ultimately developing conclusions and recommendations that will help reduce its commission in the future.

INTRODUCTION

With the scientific and technological advancements of our modern age, and the subsequent revolution in communications and the internet, which has brought about a qualitative shift in various aspects of life, the internet offers advantages such as rapid access to information and its role as a means of accomplishing certain official tasks and activities. Humans have reached a stage where they cannot do without it, not to mention its role as a means of learning and entertainment for certain age groups in society, such as children.

This group is considered one of the most frequent users of the internet. Despite the positives of using the internet, some have used it as a means of committing crimes against this unaware group (children), exploiting its influence on them as they are the most frequent users of the internet. Weak-willed individuals lurk in cyberspace to trap them and trap them in acts that contravene all religious values, morals, and ethics, thereby blackmailing and sexually exploiting them. This crime has become increasingly prevalent in light of the rapid advancement of the internet, which has led the weak-willed to view children who fall into their traps as a lucrative business that generates enormous sums of money. They exploit their age and lack of awareness by blackmailing and exploiting them. These criminals forget that in doing so, they are not destroying the life of a single child, but rather the life of an entire society. Since the internet is not limited to a specific region or country, all societies must combat this crime to protect this vulnerable group. The virtual world is vast and expansive. A child can be in the far east of the globe and interact with a friend from the far west. There is no family in the world that does not have virtual friends all over the world.

Therefore, the importance of this research stems from the negative effects such actions have on the victim, whether socially, health-wise, or psychologically. Given that victims (children) represent a large segment of societies, it is imperative for all societies to address this crime through regulatory legislation. The research problem is represented by answering the following questions:

1. What is meant by online child sexual exploitation?
2. What is the position of some comparative legislation on criminalizing online child sexual exploitation?
3. What are the elements of the crime of online child sexual exploitation, and what is its penalty according to Jordanian legislation? In this study, the researcher used a descriptive, analytical, and comparative approach, by examining legislative texts and jurisprudential opinions related to the crime of online child sexual exploitation, and analyzing their strengths and shortcomings. This approach aims to

clarify the position of Jordanian legislators and to determine whether the legislative texts regulating the criminalization of online sexual exploitation need to be amended or added.

TERMINOLOGY

Sexual exploitation: Any adult or child with greater knowledge than their peers engages in illegal activities using information technology to lure and deceive children into engaging in sexual acts, photographing or videotaping them for the purpose of promoting them. This is done for the purpose of satisfying their sexual desires, for other personal or collective gain, or to achieve financial gain through blackmailing them and their families.

Sexual harassment: Behavior of a sexual nature directed by one person toward another that violates their privacy or causes them feelings of discomfort, threat, or humiliation. It can take the form of verbal, physical, visual, or electronic harassment.

Sexual assault: Any non-consensual act that causes physical or psychological harm to the victim, including touching, exploitation, or direct sexual assault, whether by force, threat, or exploitation of a vulnerable person.

The Internet: A global network that connects millions of computers and electronic devices around the world, through which people can exchange information and access various data and services.

Child: Any human being under the age of eighteen, unless the age of majority is reached earlier under applicable law.

In light of the above, this study will be addressed through the following two sections:

Section One: The nature of online child sexual exploitation.

Section Two: The Jordanian legislator's position on criminalizing online child sexual exploitation.

THE NATURE OF ONLINE CHILD SEXUAL EXPLOITATION

It is well known that the crime of child sexual exploitation is a crime that affects all societies. Therefore, it is described as a serious crime. Therefore, it is necessary to study its nature and distinguish it from similar crimes so that the judiciary can impose appropriate punishment on perpetrators of such crimes, ultimately achieving justice and ensuring the interests of victims. Therefore, in this chapter, we will address the following topics:

When examining the term "sexual exploitation," we find that it relates to an interaction between two people: one is called the exploiter, and the other is called the exploited (the child).

The first is usually older than the second, or more knowledgeable about what is happening, whether a stranger or a relative. The child is used as a tool to satisfy the sexual desires of the other person or others, regardless of the method used, whether deceit, trickery, or coercive means⁽¹⁾.

The term sexual exploitation is composed of the word (exploitation), which in Arabic means taking advantage of others without right and in an immoral manner⁽²⁾. The word (sexual) means relating something to its gender⁽³⁾. When the word "sex" is added to "exploitation," it does not indicate the practice of the act as a sexual practice, but rather indicates the result and goal of the exploitation.

Some have defined sexual exploitation as "the imposition of sexual acts or sexual innuendos by one or more persons on a particular child, or the performance by an adult of any act aimed at satisfying his sexual needs through a child, by word or deed, whether it involves the child's knowledge or not"⁽⁴⁾. We also find another who defined it as "the unfair benefit of the difference in the balance of power between an adult and persons under the age of eighteen in order to use them sexually, either for the purpose of profit or for personal benefit"⁽⁵⁾.

(1) Dr. Hani Al-Subki, *Human Trafficking Operations: A Study in Light of Islamic Sharia, International Law, and Some Arab and Foreign Legislation*, Dar Al-Fikr Al-Jami'i, Alexandria, 2010, p. 38.

(2) See the Comprehensive Arabic-Arabic Dictionary of Meanings, via the Free Encyclopedia.

(3) <http://www.ar.wikiedia.org>.

(4) Dr. Mutawwa Barakat, *Child Sexual Exploitation as Recalled by Adults*, a research paper published online <http://www.swoforum.nesasy.orglidex.php>.

(5) Dr. Hani Georgi, *Combating Child Sexual Exploitation and Domestic Violence by the National Council for Childhood and Motherhood, Child Trafficking Unit*, 2010, p. 218. See also Awda Suleiman, *The Crime of Child Sexual Exploitation in Light of Constitutional Principles and*

Child sexual exploitation is defined as “the misuse of social media, such as chat rooms or other information technology for the purpose of manipulating children or taking unlawful advantage of them by pushing them to engage in immoral and indecent behavior”⁽⁶⁾. We also find that the Optional Protocol to the Convention on the Rights of the Child on the Elimination of All Forms of Discrimination against Women, Child Prostitution and Child Pornography stipulates in Article (2/b, c) that “...b - Child prostitution means the use of a child for the purpose of sexual activities in return for reward or any other form of consideration.”

C - Child pornography means the depiction of a child, by any means, engaging in real or simulated explicit sexual activities, or any depiction of a child's sexual organs primarily for sexual gratification⁽⁷⁾. Upon examining the term "child sexual exploitation," we note that no specific definition has been established. However, the European Convention on Cybercrime stipulates three forms of what is known as sexual exploitation (pornography): the first is the actual sexual assault of children; the second involves altering certain features, such as replacing the original face of the person appearing in the image with the face of a child, meaning superimposing images; and the third involves selecting certain adults whose bodies resemble those of children, such that the viewer believes they are children, with the aim of arousing the instincts of deviant adults with sexual inclinations toward children.

However, some believe that this definition focused on the images, and it would have been better to include depictions of children in various and explicit sexual positions, whether through pictures, drawings, or sounds, real or composite, regardless of the persons, even if they turn out not to be children. But they were chosen according to childish criteria for the sake of shading⁽⁸⁾.

Through the previous definitions and the aspects they included, we see that the sexual exploitation of children via the Internet is: “Any adult or child who has more knowledge than his peers among other children, engaging in illegal practices through the use of information technology to lure and deceive children into engaging in sexual practices and photographing or videotaping them to promote them, with the aim of satisfying their sexual desires or any other personal or collective benefit or to achieve financial gains through the process of blackmailing them and their families.”

The concept of child sexual exploitation may be confused with other similar concepts, such as child sexual harassment, sexual abuse, and indecent acts.

Several definitions of sexual harassment have been developed, but they all share certain elements: unwanted sexual remarks, actions, or innuendos from the victim⁽⁹⁾. These actions can include: friction, touching, or sexual contact. They can also include comments, compliments, or requests for a meeting, whether explicit or implicit. Sexual harassment does not necessarily have to be motivated by sexual desire; the goal can be moral, such as insulting or humiliating the child⁽¹⁰⁾. Therefore, sexual exploitation can be similar to sexual harassment, as both are intentional crimes that target the same perpetrator: the child. They often occur covertly and can be committed within the family, school, or childcare facilities. Violence may be used to complete the crime.

International Standards, Journal of Legal Sciences, College of Law, University of Baghdad, 2018, 1st ed., p. 52.

⁽⁶⁾ Dr. Ibrahim Ismail, Child Sexual Exploitation via Social Networks, A Case Study of a Sample of Specialists in Social Sciences, Education, and Information Technology, Generation Center for Scientific Research, Issue 56, 2019, p. 150.

⁽⁷⁾ The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the United Nations General Assembly on 5/25/2000, in General Assembly Resolution (54/263), which entered into force on 1/18/2000

⁽⁸⁾ Iarraine rad ford ,Debra Allnack and patrica Hynes , preventing and responding to sexual abuse and exploitation :evidence review , unicef , 2015, p 12.

⁽⁹⁾ Some have defined sexual harassment as: “Unacceptable, usually repeated, unrequited advances, unwanted sexual attention, sexual advances, sexual innuendo, or other verbal or physical conduct of a sexual nature, when it is connected to the work environment or is made a condition for obtaining a job or creating an environment that is intimidating or hostile.” See on this topic Muhammad Eid, Crimes Arising from the Illegal Use of the Internet, A Comparative Study, Dar Al Nahda Al Arabiya, Cairo, 2009, p. 123.

Also see Mayada Fayyad, Criminal Liability for Sexual Harassment, A Comparative Study, Master's Thesis, College of Law and Political Science, University of Iraq, 2019, p. 10.

⁽¹⁰⁾ Kiely Z , henbest.sexual harassment at work ,Experiences from in oil refinery , women in management review ,vol (15) no(2) 2000 , p 65 .

Although the terms sexual exploitation and sexual harassment are often used interchangeably in public discourse, there are important distinctions between the two concepts, particularly in the context of child protection. These differences manifest primarily in two key areas: the nature of the act and the profiles of the perpetrator and victim.

In terms of the act itself, sexual exploitation involves the use of a child by an adult for the purpose of engaging in sexual activity. This behavior is inherently abusive and often coercive, aimed at gratifying the perpetrator's sexual desires, frequently for personal gain or profit. In contrast, sexual harassment may not involve physical contact and is typically expressed through verbal, visual, or symbolic means. It may include behaviors such as sexually provocative language, offensive jokes, inappropriate questions, or unwanted advances. This type of harassment can occur in person or through digital means, including websites and phone communication, and may or may not escalate into physical acts.

The distinction is further evident in the identity of the individuals involved. In cases of sexual exploitation, the perpetrator is generally an adult, while the victim is a minor under the age of eighteen. Sexual harassment, however, is more frequently observed among peers, where children, regardless of gender, engage in inappropriate behavior toward one another. This peer-on-peer dynamic adds a layer of complexity to legal and psychological interventions, as the developmental stage of both perpetrator and victim must be considered.

Understanding these distinctions is essential for the development of tailored legal responses and psychological support systems that address the specific harms associated with each form of abuse.

As we have explained, sexual exploitation includes various harmful and sexually abusive behaviors against children, with the aim of obtaining compensation, whether financial or moral. It can be done through coercion or enticement to engage in sexual activities, whether knowingly or unknowingly. Child sexual abuse, on the other hand, involves aggressive behavior toward children by engaging in sexual gratification with individuals older than the child, who are incapable of consenting to these practices. It also includes any sexual contact with the child that results in damage to the child's genitals, using violence or intimidation by the perpetrator.

Sexual abuse is not limited to adults, as it can be committed by children against each other. Sexual contact and intercourse can occur from an older child or from a child of the same age as the child (victim) because his or her physical build is larger than that of the child (victim).

Sexual exploitation is a global crime that the international community has called for a comprehensive response to. Indecent assault is a moral crime that varies from one society to another. What may be considered indecent in one society may not be considered indecent in another. Even within the same country, criminalization varies from time to time. Therefore, the reason for criminalization is the violation of the victim's sexual freedom. In addition, the crime of child sexual exploitation applies to children regardless of their gender, while the crime of indecent assault can apply to children or non-children whenever the perpetrator commits an indecent act by word, deed, movement, or gesture, explicitly or implicitly, by any means⁽¹¹⁾.

Furthermore, the crime of child sexual exploitation is a hidden crime that occurs in secret, while the indecent act in its public form requires publicity for the crime to be established. Ultimately, the victim in a sexual exploitation crime is legally incapable of expressing their will by consenting to the exploitation, while the crime of indecent assault occurs even with the victim's consent⁽¹²⁾.

⁽¹¹⁾ See Articles (306, 320) of the Jordanian Penal Code and its amendments No. (16) of 1960 and its amendments.

Dr. Abdullah Al-Khusaylat, *Explanation of the Penal Code - Special Section - Crimes Against Persons*, Dar Al-Thaqafa for Publishing and Distribution, Amman, 1st ed., 2022, p. 187. Also, Dr. Tayel Al-Shiyab, *A Concise Explanation of the Federal Penal Code - Special Section - Crimes Against Persons*, University Library, Sharjah, 1st ed., 2015, p. 329. Also, Dr. Ali Abu Hijaila, *Criminal Protection of Honor in Positive Law and Islamic Sharia*, Wael Publishing House, 1st ed., 2003, p. 183.

⁽¹²⁾ Dr. Medhat Ramadan, *Crimes Against Persons and the Internet*, Dar Al-Nahda Al-Arabiya, Cairo, 2000, p. 126.

THE POSITION OF THE JORDANIAN LEGISLATOR ON CRIMINALIZING THE SEXUAL EXPLOITATION OF CHILDREN VIA THE INTERNET.

By reviewing the texts of the Jordanian Penal Code No. (6) of 1960 and its amendments, we find that Article (306) thereof stipulates that "Anyone who displays an indecent act, or makes any immoral expressions or gestures in an indecent manner, whether by word, deed, movement, or gesture, whether explicitly or implicitly, by any means, shall be punished by imprisonment for a period of no less than six months, provided that the assault occurs: 1 - against a person who has not completed eighteen years of age..."

The legislator, in the same article, increased the penalty (bis) for whoever commits the act if he is a relative of the child (the victim) and is entrusted with the child's upbringing or care or has legal or statutory authority over him⁽¹³⁾. The penalty is also doubled if the victim is unable to resist due to physical incapacity or a physical or psychological disability resulting from the deception and trickery used to induce him to commit the act, or if the crime is committed by two or more persons.

We also find that Article (319) of the same law punishes with imprisonment or a fine anyone who violates public morals and ethics in any traditional way that leads to the corruption of morals and warns of what will happen in the future, as stated in Clause (4) of the same article, anyone who announces or broadcasts by any means, and this is what we find in modern laws⁽¹⁴⁾.

Returning to the text of Article (306) of the Penal Code, it becomes clear that this crime is committed if the perpetrator offers the victim to perform an indecent act, or asks him to do so, or says indecent words to him, and thus causes the victim (the child) psychological and moral harm without harming his body⁽¹⁵⁾. Thus, one of the forms of the material element of this crime is the perpetrator showing and exposing his genitals in front of the child (the victim)⁽¹⁶⁾. The perpetrator can do many things, such as conducting a dialogue with the child via audio and video and through chat rooms, and finally luring and convincing him, after the child has trusted the perpetrator, to engage in indecent practices, such as undressing and exposing his genitals in front of the camera. This is one of the forms of sexual exploitation of children via the Internet. We also find that the legislator⁽¹⁷⁾, has prohibited and criminalized all actions and dealings related to obscene materials that lead to moral corruption, whether by selling, distributing, or possessing them with the intent to sell, or displaying them in a public place, or managing or participating in managing a store where they are sold or displayed, or advertising for a person who deals in selling or printing them.

Upon analyzing the previous article, we find that it is flexible and appropriate for application to the crime of sexual exploitation of children via the Internet. It is comprehensive, as all the criminal acts contained therein can be envisioned as being carried out using a computer or other means of social media via the Internet and directed at children for the purpose of exploitation. This is what we have recently observed with scientific and technological progress and modern means of communication, as the Internet allows children or others to view and access obscene publications, as stated in the article with the phrase "... by any means..."

However, the legislator in this article did not pay attention to the issue of possessing obscene material, and stipulated in this article that possession be coupled with the intent to sell. Therefore, possessing or possessing obscene material without selling or distributing it does not constitute a crime according to this text, especially since computers and the Internet in general are among the most modern, widespread, and extensive places for possessing and storing obscene material, including images and videos, especially those known as electronic clouds. Therefore, it would have been more appropriate for the Jordanian legislator to amend this article so that possession of obscene material is not coupled with the sale process until it is completed.

After reviewing the Jordanian Telecommunications Law No. (13) of 1995 and its amendments, we find that Article (75/A) criminalizes anyone who, by any means of communication, sends or contributes to sending messages, threats, or aid, or messages that violate public morals, with imprisonment for a period

⁽¹³⁾ See Article (295/A/A) of the Jordanian Penal Code referred to above.

⁽¹⁴⁾ See Article (19) of the United Nations Convention on the Rights of the Child of 1989, as well as Article (13) of the Jordanian Cybercrime Law No. (17) of 2023.

⁽¹⁵⁾ Dr. Muhammad Najm and Abdul Rahman Tawfiq, Crimes Against Persons and Property in the Jordanian Penal Code, Amman, 1987, p. 217.

⁽¹⁶⁾ Sufyan Al-Khawaldeh, Criminal Protection of Children in the Jordanian Penal Code, A Comparative Study - Master's Thesis - Al al-Bayt University, Jordan, 2010, p. 199.

⁽¹⁷⁾ See Article (319) of the Jordanian Penal Code No. (16) of 1960 and its amendments.

of not less than one month and not more than one year, or with a fine of 300 to 2,000 dinars, or with both penalties⁽¹⁸⁾.

The Internet has become one of the most important modern means of communication, as perpetrators can send messages that violate public morals, whether to children or others, via chat rooms, email, WhatsApp, Messenger, or other electronic programs.

We also find that Article (75/B) of the same law criminalizes service providers who provide telecommunications services that violate public order, punishing them in accordance with Article (40) of the same law by revoking their license⁽¹⁹⁾.

Jordanian law criminalizes pornography and child sexual exploitation in Articles 13 and 14 thereof. It criminalizes the promotion of pornographic activities and acts for children with mental or psychological disabilities, and imposes harsher penalties if they are exploited in prostitution or online. This is what we will address in the following two sections:

By examining the texts of the articles in the Jordanian Cybercrime Law No. (17) of 2023, we find that Articles (13 and 14) thereof include the penalties that must be imposed on those who commit the acts that constitute the material element of the crime.

Article (13/A/1) of the same law states: "1- Anyone who sends, publishes, prepares, produces, stores, processes, displays, prints, purchases, sells, transfers, or promotes pornographic activities or acts using the information network, information technology, an information system, or an electronic website shall be punished by imprisonment for a period of no less than six months or a fine of no less than 3,000 dinars and no more than 6,000 dinars."

It is clear from this article that the material element is represented by the previous actions, and here it is worth noting that the current Electronic Crimes Law has expanded the criminal behavior in contrast to the previous Electronic Crimes Law No. (27) of 2015, which included in Article (9/A) only sending and publishing without addressing other actions such as preparation, production, preservation, processing, display, printing, purchase, sale, transfer, or promotion of pornographic activities or works.

The perpetrator's commission of any of the above activities constitutes the material element of the crime. Sending means providing a person or group of people with pornographic material or material related to the sexual exploitation of children. He intends to broadcast this material without specifying recipients and without distinguishing between those who can view it, whether children or adults⁽²⁰⁾. In addition, the legislator did not require that the images he publishes be real. Rather, this article applies to anyone who publishes images of children in various sexual positions, even if they are not real.

The physical conduct was not limited to the act of sending and publishing pornographic material, but was also used to prepare, produce, or store it, etc., using the Internet. We also note that the second clause of paragraph (a) of Article (13) of the same law considered the aforementioned crimes as crimes pending a complaint if the victim's age exceeds eighteen years. However, if the victim's age is less than eighteen years, the criminal case is initiated by the Public Prosecutor. The legislator also increased the penalty in the third clause if the goal - of sending, publishing, preparing, or producing, etc. - was sexual exploitation, increasing the penalty to imprisonment for a period of no less than one year, as well as a fine of 6,000 - 15,000 dinars, with the crime being prosecuted without the need to file a complaint from the victim, whether the victim is under or over eighteen years of age.

According to this article, the means used in the process of sexual exploitation must be electronic, and the content of the material must be in any form of pornographic works related to the sexual exploitation of those under the age of eighteen, noting that the child's (victim's) consent is not accepted as a defense.

As for the moral element of this crime, it is based on general criminal intent. It is a premeditated crime, and the perpetrator must commit his criminal activity while being aware of the nature of his act and activity, and that what he is doing includes pornographic acts or is related to sexual exploitation, and he has prior knowledge that pornographic material can be received by children and adults, because the use of the Internet is not limited to a specific age. Therefore, it is not conceivable that this crime occurs through error or negligence, except in a narrow scope due to ignorance in sending or displaying. However, other forms, such as preparation, production, processing, printing, purchasing, selling, transporting, or promoting, it is not conceivable that an error occurs in them, because these acts require

⁽¹⁸⁾ See Article (75) of the Jordanian Telecommunications Law No. (13) of 1995 and its amendments.

⁽¹⁹⁾ See Article (40) of the Jordanian Telecommunications Law No. (13) of 1995 and its amendments.

⁽²⁰⁾ Nancy Al-Nawasah, *The Crime of Sexual Exploitation of Children via the Internet, A Comparative Study*, Doctoral Thesis, Arab Open University, 2011, p. 110, Osama Al-Manaasah, *Computer and Internet Crimes*, Wael Publishing and Distribution House, Amman, 2022, p. 182.

advanced skills in using the Internet and modern means of communication in all their forms. Therefore, the Jordanian legislator has expanded the criminalization of all acts that may sexually exploit children. Since one of the elements of the crime is the victim having a characteristic related to age, knowledge of it is necessary, and the perpetrator may claim that he did not know the victim's true age, and that he believed that the person's pornographic content was over eighteen years old, and the assessment of that is left to the subject court⁽²¹⁾.

Noting that the Cybercrime Law did not criminalize the possession of pornographic materials for personal use, which is contrary to what was stated in Federal Law No. (34) of 2021, regarding combating rumors and cybercrimes, which punished anyone who intentionally possessed pornographic materials for children using an electronic information system, information network, website or any information technology means⁽²²⁾, however, Paragraph (c) of Article (13) of the same law punished anyone who possessed within an information system or a data storage medium images, recordings, drawings or other sexually provocative or real, virtual or simulated sexual acts of a juvenile who has not exceeded eighteen years of age, if the content relates to a person suffering from an illness or mental disability, with imprisonment for a period of not less than six months and a fine of 3,000 - 6,000 Jordanian dinars.

Referring to the text of Article (13) of the Electronic Crimes Law, we find that paragraph (b/1) of the same article increased the penalty in the event that the content sent, published, produced, etc., was pictures, recordings, drawings, or other sexually provocative images of sexual organs or real, virtual, or simulated sexual acts of a juvenile under eighteen years of age, or if the content was related to a person suffering from a mental illness or disability, where the offender shall be punished with imprisonment for a period of not less than one year and a fine of 6,000 - 30,000 dinars.

Paragraph (b/2) of the same article also imposes a more severe penalty if the content is as described in the previous paragraph and the purpose is to direct or incite the offender to commit a crime with the intent of exploiting them, and the content relates to a person suffering from a mental illness or disability. The offender shall be punished by imprisonment for a period of no less than two years and a fine of 9,000-30,000 dinars⁽²³⁾.

It is worth noting that Jordanian law has expanded the scope of criminal protection not only for children, but also for vulnerable groups suffering from mental or psychological disabilities, regardless of the victim's age. This is confirmed by Article (297) of the Jordanian Penal Code, which imposes a more severe penalty if the offender commits the crime of indecent assault against a person unable to resist due to physical incapacity, physical, psychological, or mental disability, or due to the deception used against them or the person being induced to commit the crime. The offender shall be punished by hard labor⁽²⁴⁾. We also find that the temporary explanatory memorandum No. (30) of 2010 stipulated in Article (8/c) the protection of children with psychological and mental disabilities, as they are less aware and more vulnerable than other healthy people, which makes them more vulnerable to assault, harassment and exploitation⁽²⁵⁾.

Therefore, the criminal behavior of this crime is represented by the use of the information system or the information network, whether by creating, preparing, storing, or processing... etc., and the goal of that was to exploit the vulnerable group (the mentally and psychologically disabled).

For a crime to be completed, it is not a condition for the perpetrator to achieve one of the goals for which they engaged in their criminal behavior, namely, influence and exploitation in prostitution or pornography, and fail to complete their criminal project. Influence means that the pornographic content achieved a result for the recipient and aroused their desire to commit a criminal act, making them vulnerable to exploitation in all forms, such as physical assaults such as touching or direct sexual practices, or their use in the production of pornographic material, whether filmed or shared online⁽²⁶⁾. Exploitation is investment, i.e., reaping the rewards, whether material, such as trafficking in child pornography, which is anything related to a sexual act, arouses sexual desire, or benefits related to

⁽²¹⁾ Nancy Al-Nawasah, *The Crime of Child Sexual Exploitation*, op. cit., p. 111.

⁽²²⁾ See Article (6) of Federal Decree No. (34) of 2021 regarding combating rumors and cybercrimes.

⁽²³⁾ See Article (13/b/1, 2) of the Electronic Crimes Law referred to above.

⁽²⁴⁾ See Article (297) of the Jordanian Penal Code No. (16) of 1960 and its amendments.

⁽²⁵⁾ Article (8/c) of the Explanatory Memorandum to the Temporary Information Systems Law No. (30) of 2010 stipulates that "Anyone who intentionally uses an information system or the information network to exploit a person under the age of eighteen or a person with a mental or psychological disability in prostitution or pornographic acts shall be punished by temporary hard labor and a fine of no less than 5,000 dinars and no more than 15,000 dinars."

⁽²⁶⁾ Nancy Al-Nawasah, *The Crime of Child Sexual Exploitation*, op. cit., p. 114.

satisfying the perpetrator's sexual desires or the desires of others. This text stipulates that exploitation be limited to prostitution or pornography. It would have been better for the Jordanian legislator not to limit exploitation to prostitution or pornography alone, but to include all forms of sexual exploitation of children⁽²⁷⁾.

Jordanian lawmakers also used the term "prostitution," a narrower term than "fornication," as criminal protection is not limited to females alone, but rather encompasses both males and females who are under the age of eighteen or who have a mental disability.

This crime is intentional, based on the presence of general criminal intent, in addition to specific intent, which is that the perpetrator's intention is directed toward influencing someone under the age of eighteen or someone with a mental or psychological disability and exploiting them to commit acts of prostitution or sexual permissiveness⁽²⁸⁾.

CONCLUSION

After studying the crime of sexual exploitation of children in Jordanian legislation, and touching on the nature of exploitation and other concepts related to crimes and other similar concepts such as sexual harassment, sexual abuse, indecent acts and discrimination between them, and also examining the position of Jordanian legislation related to this crime, we were able to reach a set of results and recommendations.

RESULTS

The findings of this study reveal several pressing concerns regarding the legal and regulatory landscape surrounding the crime of online child sexual exploitation in Jordan. One of the most salient characteristics distinguishing this crime from traditional offenses is its reliance on digital means, specifically, the Internet. The use of this medium introduces unique and far-reaching risks, particularly when exploited by perpetrators to target vulnerable children. Unlike conventional crimes, the online nature of this offense allows for anonymity, rapid dissemination of illicit content, and difficulty in tracing criminal activity.

Upon reviewing Jordanian legislation relevant to the subject, such as the Cybercrime Law, it becomes evident that the legal framework lacks comprehensive provisions to address the complexity of these offenses. Notably, the law does not impose explicit obligations on internet service providers in cases involving sexual violations, including indecent assault and immoral acts. This absence of legal accountability for digital intermediaries represents a significant gap in prevention and enforcement mechanisms.

Furthermore, while the Jordanian Penal Code addresses issues of prostitution and criminalizes sexual exploitation, it does so without providing precise legal definitions for these terms. The lack of definitional clarity creates interpretive challenges for both judicial authorities and law enforcement, thereby weakening the consistency and effectiveness of legal action against such crimes. A similar deficiency is apparent in the treatment of cyberpornography. The current Cybercrime Law fails to criminalize this form of digital exploitation, particularly when it involves minors. It would have been more appropriate for the legislation to explicitly prohibit child-related pornography, going beyond the general and insufficient provisions found in Articles 1 and 14.

Another significant dimension highlighted in the findings is the transnational nature of online child sexual exploitation. Such crimes frequently transcend national borders, making unilateral legal approaches inadequate. This international scope necessitates concerted global efforts and harmonized legal instruments to combat the proliferation of these crimes effectively. In sum, the results underscore the urgent need for legislative reform, clearer legal definitions, stronger regulatory obligations, and international collaboration to address the evolving threat of child sexual exploitation in the digital age.

RECOMMENDATIONS

In light of the findings presented, several key recommendations emerge to strengthen the legal and social response to the crime of online child sexual exploitation in Jordan. First, the rapid evolution of the digital and virtual landscape, particularly with the emergence of artificial intelligence, necessitates a proactive

⁽²⁷⁾ Mudar Zahran, *Internet Prostitution Crimes*, Zahran Publishing House, Amman, 1st ed., 2020, p. 185.

⁽²⁸⁾ Dr. Kamel Al-Saeed, *Crimes Against Morals, Public Ethics, and the Family, A Comparative Analytical Study*, Dar Al-Thaqafa for Publishing and Distribution, 1st ed., Amman, 1993, pp. 27.

legislative response. It is imperative that Jordanian lawmakers revise and modernize the existing legal framework to address the unique nature of cyber-enabled exploitation and to facilitate the effective prosecution of offenders. In parallel, there is an urgent need to elevate community awareness, particularly among parents, regarding the potential dangers associated with children's internet use. This can be achieved through coordinated media campaigns, school-based initiatives, and accessible educational materials that emphasize digital safety and prevention.

Moreover, in instances where children become victims of sexual exploitation, comprehensive psychological support must be provided. Rehabilitation programs within specialized social welfare institutions, developed in cooperation with families, are essential to help children recover from trauma and reintegrate into society. From a legal standpoint, it is also recommended that stringent penalties be preserved for all forms of child sexual exploitation, including cases involving children with special needs. These penalties must remain in effect even if the child's legal guardian waives their personal right, ensuring that such crimes are treated as offenses against public order and morality.

Furthermore, the study recommends amending Article 319 of the Jordanian Penal Code to ensure accountability for individuals found in possession of obscene materials, irrespective of whether these materials are intended for sale or merely held privately. Such a revision would close a critical legal loophole that allows potential offenders to escape liability. Finally, it is advised that Article 8(c) of the temporary explanatory memorandum No. 30 of 2010 be revised to expand the legal definition of sexual exploitation beyond acts of prostitution or pornography. The scope of the law should be broadened to encompass all forms of sexual exploitation involving children, thereby offering more comprehensive protection under Jordanian law.

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