

Information-Based Evaluation of Alternative Criminal Measures in Jordanian Law: A Legal and Policy Analysis for Reducing Prison Overcrowding

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Abstract

Prison overcrowding remains a significant challenge for contemporary criminal justice systems, creating legal, administrative, and information-management pressures that affect correctional effectiveness and policy implementation. Beyond the issue of prison capacity, the successful application of alternative criminal measures depends on the availability of reliable legal information, judicial documentation, social reporting systems, and institutional information flows. This study evaluates alternative criminal measures in Jordan as both a legal-policy framework and a legal-information system designed to reduce prison overcrowding. The study adopts a descriptive, analytical, and comparative legal methodology to examine the Jordanian Penal Code and its amendments of 2017, 2022, and 2025, with comparative references to Moroccan, Iraqi, and Egyptian legislation. The analysis focuses on the legal structure governing community service, rehabilitation programs, addiction treatment, electronic monitoring, residence restrictions, and other non-custodial alternatives. The findings indicate that Jordan

has developed a more comprehensive framework than several comparable Arab jurisdictions by incorporating diverse preventive and rehabilitative alternatives supported by judicial discretion and administrative oversight. However, the effectiveness of these measures depends heavily on the quality of social reports, judicial information, electronic monitoring records, implementation documentation, and coordination among courts, enforcement judges, correctional institutions, and government agencies. The study identifies shortcomings related to reporting standards, procedural documentation, information accessibility, and monitoring infrastructure. It concludes that stronger information-governance mechanisms, standardized reporting procedures, enhanced digital monitoring systems, and improved access to legal information are necessary to maximize the effectiveness of alternative criminal measures and support sustainable prison-overcrowding reduction policies in Jordan.

Keywords: Legal Information Systems, Information Governance, Alternative Criminal Measures, Judicial Documentation, Prison Overcrowding, Electronic Monitoring, Penal Policy, Jordanian Law.

Introduction

Modern criminal justice systems increasingly depend on the accessibility and management of legal information (Blount, 2026). Judicial decisions, social evaluation reports, offender records, electronic monitoring data and institutional records all impact

the effectiveness of criminal justice policies and the use of legal sanctions (Amirian Farsani, 2026). Criminal justice systems are looking for alternatives to incarceration, and the need to ensure transparency, consistency, accountability, and evidence-based decision-making is growing more critical as legal information systems play a more important role.

Prison overcrowding is one of the most prominent challenges facing judicial and criminal justice systems in various countries around the world (Mubarak and Koto, 2026). The number of prisoners increases with the increase in population, in addition to the spread of crime globally (Hewson et al., 2024). The number of prisoners has exceeded the capacity of prisons, in addition to the enormous costs incurred by the state to spend on prisons and prisoners. This has necessitated reconsidering traditional prison penal policies and an attempt to search for alternative criminal measures to imprisonment that are effective in being punitive measures to reduce reliance on prisons as the first stage of punishment, specifically in crimes that do not have catastrophic effects on human societies, such as murder, for example.

Accordingly, alternative criminal measures have emerged as a real path that some contemporary laws have tended to adopt to confront criminal penalties that deprive people of their liberty. It sought to reduce reliance on imprisonment by relying on alternative penalties such as community service, electronic monitoring, monetary fines and other alternative penalties that consider the specificity of crimes and the appropriateness of their penalties. Studies have confirmed that such measures not only work to reduce prison overcrowding (Aon et al., 2025; Geegbe et al., 2022; Shah et al., 2026), but also contribute to reducing government financial expenditures on prisons, not to mention reintegrating individuals into societies and giving them opportunities to be active members within those societies and improve their structure.

At the Jordanian level, alternative criminal measures are considered of particular importance in Jordanian law (Almahasneh, 2024). This is due to the challenges facing the country's legal and penal system, which necessitate the development of judicial and legislative tools that can create a balance between achieving criminal justice and providing protection to society, in addition to reducing the pressures on prisons. Furthermore, conducting a comparative study between Jordanian and other legal systems, would provide a comprehensive understanding of

how to develop these measures, in line with national particularities, and contribute to the development of the legal and criminal justice systems to achieve both deterrent and reformative objectives.

More clearly, studying criminal measures in Jordanian legislation would contribute to forming a deeper understanding of the transformations taking place in the country's penal system (Alraggad, 2024), in order to achieve more balanced and effective community security and criminal justice. It would also identify weaknesses in the management of these measures and the possibility of remedying them, and highlight strengths with the possibility of enhancing them. Shedding light on such measures in comparative experiences would contribute to assessing the feasibility of the Jordanian experience and verifying its ability to confront the dilemma of prison overcrowding, while strengthening Jordanian legislative policies in relation to criminal policy, which is what the current study seeks to clearly and effectively demonstrate.

Evaluating the effectiveness of alternative criminal measures to reduce the overcrowding in prisons is not problem (Jovanov, 2024). However, it is also a research problem to consider whether clear and accessible, as well as operationally useful information is available from the Jordanian legal-information framework in the field of the implementation of these measures. Although the legislative changes have been made (Al-Billeh, 2022), there are still issues in the preparation of social status reports, sharing information between courts and enforcement agencies, documentation of implementation processes, access to electronic monitoring data and standardization of information for judicial determination. They suggest several questions about the effectiveness of information governance processes that are in place to support alternative criminal approaches and how well they help alleviate the problem of prison crowding.

The Jordanian reality calls for a more in-depth study, as pressures have accumulated on rehabilitation and reform centers (prisons) amid legislative and procedural concerns and practical implementation through legislative amendments to the Penal Code in 2025. Alternative criminal measures to imprisonment have recently been implemented (Al-Billeh and Issa, 2022). Despite the novelty of the implementation of these measures this year, it is necessary to examine their feasibility in light of comparative experiences, as well as the logical, legal, and procedural foundations upon which the legal amendments were formulated. This

poses a research problem that warrants the present study.

In addition to the above, the problem of the study also lies in the uncertainty surrounding the level of effectiveness of the legislative and structural designs for alternative criminal measures and the conditions for their implementation. There is a disparity in comparative legislation regarding the diversity of legal formulations for alternative penalties, including financial alternatives, community service, and electronic monitoring. However, they all highlight implementation gaps related to the suitability of these alternative penalties for individuals and society, the nature of the crime committed, and judicial evaluation (Al-Billeh and Issa, 2022). Therefore, the current study seeks to answer the main question: What is the effectiveness of alternative criminal sanctions in Jordanian law as a tool for reducing prison overcrowding? From this question, the following sub-questions emerge:

1. How does prison overcrowding affect the rehabilitative and correctional function of criminal justice institutions?
2. What legal-information framework governs alternative criminal measures in Jordanian law?
3. How are social reports, judicial discretion, and electronic monitoring used as information tools in applying alternative measures?
4. To what extent do the 2025 amendments provide clear and accessible legal information for judges, offenders, and enforcement bodies?
5. How does Jordan compare with Morocco, Iraq, and Egypt regarding legal documentation, implementation guidance, and monitoring mechanisms?
6. What information-governance reforms are required to improve the effectiveness of alternative criminal measures?

The current study seeks to achieve its primary objective: to identify alternative criminal measures in Jordanian law as a tool for reducing prison overcrowding. This objective includes the following sub-objectives:

1. To analyze prison overcrowding as a legal and institutional information challenge.
2. To examine the legal framework governing alternative criminal measures in Jordan.
3. To evaluate the role of social reports, judicial documentation, and electronic monitoring in implementing alternative measures.
4. To compare Jordanian legislation with Moroccan,

Iraqi, and Egyptian legislation.

5. To identify legal-information gaps that limit effective implementation.
6. To propose information-governance reforms for improving alternative criminal measures and reducing prison overcrowding.

The study has implications for legal information studies, as it shows that the effectiveness of penal reform initiatives is related to the availability, organization, accessibility and governance of legal information. It builds on ongoing conversations about alternative criminal measures, adding judicial documentation, reporting and information-management systems to the analysis of criminal justice reform. The theoretical importance of the study lies in its contribution to enriching research studies and theoretical literature related to penal policy and legislation by shedding light on and addressing the topic of alternative criminal measures under Jordanian law, as a matter of urgency requiring in-depth study in light of the recent legislative amendments in 2025. At a time when previous studies appear to have been relatively limited in their focus on this area, whether in terms of comparison or legislative-legal analysis, the importance of the study lies in its ability to bridge the theoretical, cognitive, and scientific gap regarding the subject of the study, and to provide scientific content for understanding the philosophy of alternative penalties to imprisonment and their role in achieving balance between alleviating prison overcrowding and administering criminal justice.

Furthermore, the study offers useful information to courts, enforcement judges, ministries, correctional facilities and parliamentarians about what information is needed for the implementation of alternative criminal measures. This successful implementation requires a solid social report, offender data, monitoring data, procedural documentation, and institutional coordination mechanisms. The practical importance of the study lies in its direct relevance to the practical reality of judicial institutions and penal policies in Jordanian legislation, and the challenges they face related to prison overcrowding in Jordan. Jordanian lawmakers introduced amendments to alternative penal measures in 2017 and 2022, and then further expanded them in 2025. These amendments relate to community service, prohibition of certain locations, electronic monitoring, rehabilitation programs, house arrest, addiction treatment, converting imprisonment

to specific measures, postponing the sentence, travel bans, and asset seizures. All of these alternatives represent a qualitative shift in the formulation of penal policies in the country. Despite this, this step requires a broad assessment of their practical effectiveness, consistent with the current judicial and executive framework. On the other hand, the importance of the applied study appears in that it enhances the orientations of the Jordanian legislator and the judicial and executive institutions in discovering and developing more efficient and effective policies and mechanisms in implementing and applying alternative criminal measures in order to achieve all the desired goals of reforming society and addressing prison overcrowding in Jordan.

Methodology

The study is descriptive, analytical, and comparative in nature and uses a legal approach to analyze the alternative criminal measures provided in the Jordanian legislation and selected Arab legislations. This study considers legislation, judicial processes, social reports, electronic monitoring and institutional implementation processes as legal information resources that can have an impact on the actual implementation of alternative criminal measures. The analysis is conducted on Jordanian legislation, comparative legislation from the Arab region, legislative official changes, research and literature, implementation mechanisms, documentation and judicial practices, monitoring mechanisms, and reporting mechanisms. Special focus is placed on outlining information-governance deficits that could impact on the effectiveness, transparency, and consistency of alternate criminal solutions to alleviate prison overpopulation.

The Implementation of Penal Policy in the Field of Legal Information Systems

Legal information systems are becoming an integral part of contemporary criminal justice systems to aid in the implementation of criminal justice policies, judicial decision making, and the coordination of criminal justice institutions (Pattavina, 2005). Legal information systems assist in the organization, retrieval, dissemination and use of legislative documents, judicial rulings, offender records and administration documents. While legislative reform is a key aspect of the effectiveness of criminal justice reform, ensuring

that the information available to judges, law enforcement agencies, and correctional facilities is accessible and of high quality is also important.

Information governance is integral to the decision-making process in the public sector and is crucial for ensuring the accuracy, availability, reliability and management of information resources. A variety of documents and databases are important decision-support tools within the criminal justice system (Blount, 2026; Keel et al., 2025; Kelly and Ekland-Olson, 1991), such as judicial documentation, offender classification records, social assessment reports, and electronic monitoring databases. Poor information governance can result in fragmented implementation and unclear procedures, resulting in less effective policy implementation.

The Electronic Monitoring (EM) is an important instance of digital information governance in criminal justice administration (Black and Smith, 2003). These systems produce ongoing offender data on location and compliance, which enables ongoing judicial oversight and enforcement activities. Likewise, social reports serve as information and evidence-gathering tools to help judges with their task of assembling a full picture of the circumstances of the offender, his or her capacity for rehabilitation, and his or her suitability for alternative disposition. Hence, the implementation of alternative criminal measures can be considered as a legal process, and also as an information management process, which involves effective documentation, institutional coordination, information sharing and information monitoring mechanisms.

Review of Previous Studies

Legislative shortcomings in Article 25 bis (first and second) of the Jordanian Penal Code, which pertains to alternative sanctions according to the 2022 amendments. The study also revealed that comparative Arab legislation implemented the suspension of punishment as a judicial procedure subject to judicial discretion. However, these legal systems differed regarding the conditions governing the implementation of these measures and the nature of the crimes and penalties covered by alternatives to imprisonment.

Literature concluded that alternative sanctions are only applied to short-term custodial sentences. One of the most prominent characteristics of alternative sanctions is that they are optional and the individual is not forced to choose them. However, once the alternative punishment is chosen, they are compelled

to implement it. This study also demonstrated that the implementation of these alternative measures serves the interests of the Iraqi judiciary in terms of reducing prison costs, alleviating the burden of judicial work, ensuring community safety, and resolving disputes between individuals through peaceful means.

Despite the adoption of the principle of alternative sanctions, such as non-custodial measures, these alternatives remain inadequately implemented in practice in Arab countries. The importance of introducing new legislative and regulatory frameworks that contribute to adapting alternative sanctions to the local context, thus helping to reduce prison overcrowding and achieving effective criminal reform.

On the other hand, Nudd et al. (2024) revealed that approximately 120 countries around the world have reported alleviation of prison overcrowding. Furthermore, despite the existence of a set of international standards that define the conditions and treatment of prisoners to prevent overcrowding and protect them from its consequences, prison overcrowding still persists in many countries. Prison overcrowding is linked to human rights violations, exposure to torture and ill-treatment, and poor healthcare. This study demonstrated that the underlying factors contributing to overcrowding vary from country to country, including overuse of prisons, excessive pretrial detention, lack of access to legal counsel, and the limited use of non-custodial measures as alternatives to imprisonment.

Al-Billeh and Issa (2022) demonstrated that community-based sanctions are an effective alternative to custodial sentences, as they achieve reformatory and social reintegration goals for convicts. They also reduce the stigma of imprisonment and alleviate prison overcrowding and reduce associated costs, while ensuring that the principle of legality and the judge's discretion regarding each convict's case are taken into account when implementing these alternatives (Al-Billeh and Issa, 2022).

Ohazulike and Chikwendu (2023) demonstrated that the only viable alternative sentencing option in Port Harcourt Prison is a good one. Due to the high crime rate, lengthy court proceedings, and case adjournments, there is a severe overcrowding. As a result, more people are awaiting trial. Alternative sanctions are not the sole cause of prison overcrowding; other factors also exist, such as the court system and police misconduct prior to the arrest of criminals.

The current study differs from previous studies in

several aspects, constituting a qualitative contribution to the legal field (Nudd et al., 2024). While most previous studies focused on the 2022 legislative amendments or comparative experiences in Arab and foreign countries, this study is unique in its analysis and critique of the latest amendments to the Jordanian Penal Code of 2025, imparting a contemporary perspective and keeping pace with the latest legislative developments in Jordan. Thus, this study represents an original treatment of a topic that previous studies have not directly and in detail addressed, giving it enhanced scholarly and research value.

Prison Overcrowding as a Legal and Institutional Information Challenge

Prison Overcrowding and Criminal Justice Information Systems

Overcrowding is one of the biggest problems in modern-day criminal justice (Shah et al., 2026). Overcrowding has traditionally been looked at mainly as a result of rising crime levels, overreliance on custodial sanctions and a dismal lack of correctional capacity (Kelly and Ekland-Olson, 1991). But more recent scholarly work has begun to acknowledge that overcrowding is not just a physical or administrative issue, but a problem of information management within institutions. Administration of correctional facilities relies on the availability, quality and accessibility of legal information, offender information, judicial rulings, correctional statistics and case-management data.

Prison overcrowding may stem from weaknesses in the processes of capturing, organizing, and using criminal justice information, from an information-governance perspective (Olaya et al., 2017). There is a need for correct offender classification systems, reliable sentencing records, rehabilitation assessment and institutional planning data in correctional institutions in order to allocate resources correctly. A lack of timely and accurate information in information systems can make it difficult for correctional institutions to efficiently manage their inmate populations, leading to a high number of inmates at facilities, staff, and rehabilitation service demands.

As the administration of criminal justice becomes more complex (Barringer et al., 2017; Black and Smith, 2003; Pattavina, 2005), the role and value of legal information systems is becoming more significant in the field of communications among courts, correctional facilities, enforcement agencies and

policymakers. These systems deliver information about offender risk characteristics, sentencing patterns and history, rehabilitation requirements and eligibility for alternative criminal measures to help inform decision-making processes. Overcrowding in prison, however, must be seen as a criminal justice problem as well as an information-management problem, which must be managed and coordinated within the institution and based on evidence to guide policy making.

Research from around the world has shown that overcrowding is a problem in prisons in over 100 countries around the world. In addition to exceeding institutional capacity, overcrowding poses challenges to offender record keeping, offender rehabilitation initiatives, correctional documentation and access to legal and administrative services. The challenges illustrate the interdependency between institutional information infrastructure and the performance of correctional systems.

Prison Overcrowding, Information Governance, and the Rehabilitative Function

The rehabilitative function of the prison is undermined by overcrowding and the lack of information governance (Gul, 2018). Lack of information governance and overcrowding is a threat to the rehabilitative function of the prison. Rehabilitative outcomes of criminal justice institutions are reliant on access to precise information about the offender, his or her behavior, education, health, and rehabilitative needs. To achieve effective rehabilitation, there needs to be organized information transmissions between courts, correctional institutions, social service providers and enforcement agencies. Accordingly, it is essential to have information governance as part of the foundation of effective correctional administration.

There are several ways that overcrowding in prison interferes with these information processes (Narag and Jones, 2020). First, overcrowding leads to administrative problems that make it difficult for institutions to keep up with detailed and current records on inmates. Secondly, overcrowding affects the ability of correctional staff to perform a thorough assessment and maintain rehabilitation records. Third, overcrowding often has an impact on the quality of reporting systems that measure offender progress and program outcomes.

An information-governance framework can then be used to consider the relationship between overcrowding and rehabilitation within prisons.

Reliable paperwork, systematic monitoring and ongoing evaluation are key to rehabilitation programmes. If correctional institutions have to function above their capacity, information for rehabilitation planning can quality is reduced. Consequently, rehabilitation becomes less effective and opportunities for a successful reintegration into society are limited.

Alternative criminal measures are indicative of a larger trend of information-based criminal justice administration (Blount, 2026; Keel et al., 2025; Kelly and Ekland-Olson, 1991). Today, the use of information resources like social assessment reports, electronic monitoring data, offender risk assessments, judicial records, and other such tools are helping to guide individualized sentencing decisions instead of relying solely on prison time. These tools help courts and enforcement officials determine who is guilty and who might be a good candidate for alternative services or diversion, without sacrificing public safety or rehabilitation efforts.

Thus, a reduction of prison overcrowding needs to go beyond legislation. It needs the creation of effective legal information systems, standardized reporting processes, integrated systems of offender databases, and systems of information exchange within institutions to support evidence-based application of alternative criminal measures. Hence, prison overcrowding is not just an issue of correctional capacity, it is also an issue of information governance, records management and coordination of the criminal justice system as a whole.

The Legal and Regulatory Framework for Alternative Criminal Measures in Jordanian Legislation and the Extent of Its Consistency with the Principles of Proportionality and Justice

The Legal Framework for Alternative Criminal Measures in Jordanian Legislation

Jordanian legislation has not been far removed from the application of alternative criminal sanctions (Almakhzoumi et al., 2023) and measures in the Penal Code, as compared to comparative legislation. An amendment was made to the Jordanian Penal Code No. (16) of 1960 in 2017, amending alternatives to custodial sentences by adding Article (25) bis, which included replacing custodial sentences with alternative penalties. This added article stipulated: “Community Reform

Alternatives: 1- Community Service: Obligating the convict to perform unpaid community service work for a period determined by the court, not less than (40) hours and not more than (200) hours, provided that the work is completed within a period not exceeding one year. 2- Community Supervision: Obligating the convict to submit to community supervision for a period determined by the court, not less than six months and not more than three years. 3- Community supervision conditional on undergoing one or more rehabilitation programs: requiring the offender to participate in court-determined rehabilitation programmes with the aim of correcting and improving the convict's behavior.

Article (54) bis was also added to this law, which included conditions for the implementation of alternative custodial sanctions, which made the process of selecting alternative penalties a matter of discretionary power for the courts, according to the type and nature of the crimes as well as the convicts. In 2022, the Jordanian Penal Code was further amended, expanding the scope of implementing alternative penalties to include misdemeanors and felonies carrying sentences of up to three years, in addition to specifying the time period for community service from 40 to 100 hours, and implementing it within a period not exceeding one year, in addition to including modern alternatives such as electronic monitoring, and imposing restrictions on the locations convicts may visit, along with alternatives including community service and rehabilitation programmes. These alternatives are subject to the discretion of the judge, and under the supervision of the Ministry of Justice. The judge is also granted the authority to replace or modify the penalty, and the alternative sanction may be revoked and the original custodial sentence reinstated in the event that the convicts violate this procedure.

With the increasing need to expand the scope of implementing alternative measures in 2025 as a result of global changes and the rise in crime levels, their multiplicity and overlap, the Jordanian legislator went to make recent amendments that define the legal framework for alternative criminal measures in a more clear and detailed manner. Article (25) bis, after its amendment, addressed a wider and clearer scope of alternatives represented by community service, rehabilitation programs, electronic monitoring, and prohibiting visits to specific places, in addition to partial or full-time residence linked to electronic monitoring, as well as implementing other measures such as travel bans and restrictions on contact with specific

individuals. On the other hand, Article (25) bis second of the same law addressed the role of the sentencing judge, as well as the Jordanian Ministry of Justice, in supervising and following up on these procedures, and granting the judge full authority to modify or substitute alternative sanctions according to social case reports and observations of international monitoring and affiliates, as well as identifying crimes that are excluded from the application of alternatives, such as state security crimes, drug crimes, serious offences detrimental to society, as well as crimes of felonies against persons, terrorism, and kidnapping. And rape.

According to the above, it may be observed that the legal framework for alternative criminal measures in Jordanian legislation represented an important aspect of achieving restorative justice. This was demonstrated by the Jordanian legislator's expansion beyond custodial penalties towards the application of efficient reformative, behavioural, and social alternatives as alternative to imprisonment. The Jordanian legislator gradually organized these alternatives, starting in 2017, through 2022, and finally the 2025 amendments, which focused on personal and societal reformative procedures, behavioral and rehabilitative treatment, and oversight procedures, as well as measures imposing certain restrictions, such as travel bans or frequenting certain places. It was also noted that the Jordanian legislator vested significant powers in the courts and the enforcement judge to replace penalties with alternative procedures, subjecting them to the supervision and oversight of the enforcement judge and the Ministry of Justice as well, in a way that ensures the proper execution of alternative measures by the convict. Accordingly, the Jordanian legislator was able to create a state of balance between general and specific deterrence on the one hand, and protecting society on the other hand, as well as rehabilitating and reforming offenders and facilitating their reintegration into society, thereby further advancing the principles of restorative justice.

Despite the above, there are some criticisms that can be directed at the recent 2025 amendments, as there are some aspects that are not linked to the philosophy of exception. Regarding paragraph 3 of Article (25) bis, it was noted that this paragraph stipulates that the duration of alternatives to custodial sentences shall be no less than one-third of the custodial sentence to be replaced and shall not exceed it. This paragraph is essentially linked to the text of paragraph 4, which states: "The court or the judge

enforcing the sentence shall determine the duration of the implementation of alternatives to custodial sentences, provided that it is not less than one month and not more than two years in misdemeanors, and not less than three months and not more than three years in felonies.” Accordingly, this paragraph may discourage the court from substituting sentences with short terms. For example, in misdemeanors where the offender is sentenced to two months’ imprisonment, one-third of this term amounts to nine days. However, the minimum period for implementing the substitution is (one month), thereby excluding substitution in such cases, despite these sentences being the primary contributors to prisoner turnover.

On the other hand, there appears to be a contradiction in some texts regarding exceptions to substitution measures, particularly in the Narcotics Law as set out in Article (25 bis/10/H), and the alternative measure relating to addiction treatment programmes set out in Article (25 bis/1/C). In this context, substitution is precluded for drug-related felonies such as trafficking. This is justified, but the legislator should have provided a clarification to ensure that addiction, when classified as a misdemeanor, remains subject to alternative treatment frameworks, so as to avoid any practical ambiguities.

The Coherence of Alternative Criminal Measures in Jordanian Legislation with the Principles of Proportionality and Justice

The principles of proportionality and justice in alternative criminal measures are reflected in the 2025 Jordanian Penal Code, particularly as set out in Article 25 bis, especially concerning the determination of the nature of such alternatives. Empirical studies further indicate that such provisions are grounded in the philosophy of restorative justice, which emphasizes the active participation of offenders in their rehabilitation and reintegration into society, rather than their segregation within prisons (Al-Billeh and Issa, 2022).

From a judicial standpoint, the study argues that such measures would reduce reliance on custodial sanctions and alleviate prison overcrowding. The court may resort to rehabilitation programs, community services, electronic monitoring, and other measures, which achieves the principle of both societal and individual justice. However, the implementation of these alternatives remains relatively limited owing to deficiencies in the organizational infrastructure

in courts and enforcement offices. Studies have confirmed that many convicts around the world, particularly in the Arab region, have been unable to obtain alternatives or implement home supervision or community service programmes due to the weakness or absence of institutional regulatory programmes and the capacity to implement such alternatives.

If these measures in Jordanian legislation are compared with comparative legislation, we find a notable similarity between Jordanian and Moroccan legislation, particularly with regard to the gradual introduction of alternatives. This is not to mention what Law No. 43:22 of 2025 on Alternative Penalties addresses, which grants judge discretionary power to apply alternatives. Furthermore, there is a similarity between the two legislations regarding the nature and essence of the alternatives, despite some differences in time periods, such as community service, which may extend to 1,000 hours under Moroccan law. Furthermore, the Moroccan legislator does not address the prison terms, which the Jordanian legislator has set at no less than one-third of the term. Similarities also exist in exceptional cases, such as felonies related to state security, terrorism, money laundering, bribery, military crimes, drug trafficking, human organ trafficking, and sexual exploitation. Notwithstanding the apparent similarities, the Jordanian legislator was more detailed regarding the nature of the crimes, time periods, and exceptions to the implementation of alternative criminal measures.

As for some Arab legislation, such as Egyptian and Iraqi legislation, Jordanian law has demonstrated a broader scope for alternatives to custodial sentences, most notably electronic monitoring and contemporary reform and rehabilitation aspects, which have not been addressed by comparative Arab legislation, despite the similarities regarding the judge’s discretionary power.

Forms of Alternative Preventive Criminal Measures to Imprisonment According to the 2025 Amendments to the Penal Code and Their Scope of Application

Forms of Alternative Preventive Criminal Measures to Imprisonment According to the Jordanian Penal Code and its 2025 Amendments and Comparative Legislation

The recent 2025 amendments to the Jordanian Penal Code demonstrated a significant development in

criminal policy. The Jordanian legislator introduced alternative sentencing methods instead of relying solely on custodial sentences. This was achieved through Article (25 bis), which included preventive measures as an alternative to custodial sentences in misdemeanors and some felonies, provided that the sentence does not exceed three years, whether in temporary detention or a term of hard labor. The legislator stipulated that these measures are subject to the offender not being a recidivist. These amendments and the expansion of alternative criminal measures also demonstrated the Jordanian legislator's commitment not only to reducing prison overcrowding but also adopting a contemporary criminal philosophy based primarily on reforming society and rehabilitating the behavior of offenders. Therefore, the forms of alternative preventive criminal measures according to the 2025 amendments to the Penal Code are as follows:

First: Community Service: Article (25 bis 1/a) of the Jordanian Penal Code and its 2025 amendments included community service as an alternative to custodial sentences. This paragraph stipulated: "Community service: Obligating the convicted person, with their consent, to perform unpaid work to serve the community for a period determined by the court, not less than (50) hours, at a rate of five hours per day." This measure achieves a significant preventive goal, as it ensures that the offender remains within a normal social environment without being isolated from their social milieu. Furthermore, it fosters a sense of social and civic responsibility and strengthens the meanings of belonging and loyalty to society and the state as a whole. In addition, this measure reduces the negative reputation that often accompanies offenders during their incarceration. Thus, it can be said that the Jordanian legislator has succeeded in fostering the social integration of offenders and preventing their deviant behavior, which constitutes a modern approach based on the principles of restorative justice by transforming punishment into behavioral and psychological reform and societal improvement.

The Jordanian legislator has succeeded in preventing the re-entry of offenders into social integration and preventing their deviant behavior. The Jordanian legislator's approach to alternative punishments, specifically community service or public service, is similar to that of the Moroccan legislator. Article (5-35) of Moroccan Law No. on Alternative Sentences (2025): "The court may impose community service as an alternative to imprisonment

if the convicted person is at least fifteen years old on the date of the judgment." Article (6-35) further stipulates that community service is unpaid and is performed for a period ranging from 40 to 1000 hours for the benefit of the state, local authorities, institutions or bodies protecting rights and freedoms and good governance, public and charitable institutions, places of worship, or other institutions, associations, or non-governmental organizations working for the public good. This article also addresses judicial discretion regarding this sanction and its duration. While the similarity is evident in this alternative punishment, the Moroccan legislator appears to have been more explicit and detailed in specifying the minimum and maximum penalties. The alternative is in community service, in addition to specifying the venues eligible for community or public service.

Second: Rehabilitation Programs: Article (25 bis/1/b) of the same law stipulates: "Rehabilitation Programs: Subjecting the convicted person, with their consent, to rehabilitation programs determined by the court with the aim of correcting and improving the convicted person's behavior." It is clear from the text of this paragraph that the Jordanian legislator emphasized that criminal behavior is merely a reflection of behavioral and social disorders, and that proper prevention can be achieved by addressing these disorders and their manifestations of behavioral and social dysfunction. The court has discretionary power to subject the convicted person to rehabilitation programs that seek to correct their behavior and enhance their social and professional life skills, whether through educational and training programs or through psychological and behavioral counseling sessions.

Third: Addiction Treatment: Article (25 bis/1/c) stipulates that: "The convicted person shall be subjected to an addiction treatment program with their consent." This measure is considered one of the most daring preventive and alternative measures in the country's criminal policies. The Jordanian legislator recognized that many crimes are related to the phenomenon of psychoactive substances and addiction, and that custodial sentences do not serve as an effective deterrent or preventive measure. Therefore, implementing this measure with the convicted person's consent contributes to a genuine treatment of health and psychological problems and gives the punishment both a preventive and therapeutic character, instead of the traditional custodial sentence, which does not achieve the desired goal of preserving society in all

its components and protecting its members. In this way, the principle of remedial justice is achieved, and recidivism in general, and especially crimes related to psychoactive substances and drugs, is prevented.

Similarly, paragraph (5) of Article (12-35) of Moroccan Law No. (43.22) of 2025 concerning alternative penalties addresses addiction treatment, stipulating that: "The convicted person shall undergo psychological or addiction treatment." Despite this similarity, the Moroccan legislator did not address the requirement of the convicted person's consent for this measure, nor did it permit combining psychological and addiction treatment; rather, it stipulated that only one of the two options be chosen, at the judge's discretion.

Fourth: Electronic Monitoring: Article (25 bis/1/d) of the same law stipulates: "Electronic monitoring: Subjecting the convicted person to electronic monitoring of all their movements." Electronic monitoring is considered a modern procedure adopted by the Jordanian legislator to keep pace with evolving global trends and the adoption of what is known as the electronic bracelet as an effective means of apprehending offenders and locating them without the necessity of detaining them in prisons. This procedure can achieve a sound balance between the requirements of deterrence and protecting society as a whole, and preserving a minimum level of freedom for the convicted person. This procedure and measure also have a significant economic impact, as it reduces the financial burdens on correctional and rehabilitation center management and spares the state the problems of overcrowding and its security and social consequences.

If the above article is compared with comparative legislation, a remarkable similarity is found between Jordanian and Moroccan legislation. Article (10-35) of the Moroccan Law on Alternative Penalties of 2025 states: "Electronic monitoring: The court may order electronic surveillance as an alternative to imprisonment. Electronic monitoring is carried out by electronically monitoring the movement of the convicted person using one or more approved electronic monitoring methods." Accordingly, the similarity between Jordanian and Moroccan legislation is evident in the use of modern technologies to monitor and control the movements of offenders, in order to achieve the highest possible level of control over criminal behavior and the ability to reintegrate offenders into their social environment while being aware that they are being monitored, not to mention

the ability to reduce prison overcrowding.

Fifth: Other Preventive Measures: The Jordanian legislator was keen to ensure the comprehensiveness of alternative procedures and measures, dedicating explicit provisions to this matter, particularly in Article (25 bis/1/e and 1/f). These measures include prohibiting access to specific places or areas, or requiring the convicted person to reside at home or within a specified geographical area, in whole or in part. The aim of these measures appears to be to sever the offender's connection with environments or individuals who might reproduce their criminal behavior. Prohibitions and house arrest are not punitive isolations, but rather preventive tools aimed at protecting society and potential victims. To enhance their effectiveness, the legislator required that these measures be accompanied by electronic surveillance, thus ensuring strict adherence.

The Jordanian legislator is similar to the Moroccan legislator in terms of other alternative preventative measures, which the Moroccan legislator also addressed within a specific framework, as outlined in Article (12-35) of the Moroccan Law on Alternative Sanctions of 2025. This law specifies alternatives such as the convicted person residing in specified locations and refraining from leaving them, house arrest with specific times for verifying the person's presence in the same area, a pledge of non-harassment towards specified persons or entities, and compensation for damages, without specifying or clarifying the nature of that compensation. Nevertheless, both the Jordanian and Moroccan legislators have succeeded in rehabilitating convicted persons, reintegrating them into society, and reducing prison overcrowding.

As for Iraqi legislation in the Iraqi Penal Code, the Iraqi legislator did not address the same procedures as the Jordanian and Moroccan legislators. The Iraqi legislator only addressed one substitution, to the best of the researcher's knowledge, which was included in Article No. (446) of the Iraqi Penal Code No. 111 of 1969 and its amendments, which states: "... Theft committed in circumstances other than those stipulated in the preceding articles shall be punishable by imprisonment. The penalty stipulated in this article may be substituted with a fine of not less than (50,000) fifty thousand dinars and not more than (200,000) two hundred thousand dinars." Although this procedure is considered appropriate in some cases of misdemeanors beyond the will of the convicted person, neither the Jordanian nor the Moroccan legislator addressed it.

What is taken into account in the above text is the absence of preventive or rehabilitative measures beyond the payment of a fine, which is not considered a preventive or therapeutic behavioral and social measure, but may lead to encouraging the adoption of criminal behavior if the penalty is paying a fine that is not a deterrent, as the maximum limit of the fine, which is two hundred thousand Iraqi dinars, is equivalent to roughly USD 152 at the present time.

As for Egyptian legislation, the Egyptian legislator did not address any preventive measures by substituting penalties with other punishments, as is the case in Jordanian and Moroccan legislation. However, the Egyptian legislator aligned with the Iraqi legislator regarding the substitution of short-term imprisonment with a fine. Article (18) of the Egyptian Penal Code No. 58 of 1937, including its amendments, stipulates: "...any person sentenced to simple imprisonment for a period not exceeding six months may request, instead of serving the prison sentence, to be employed outside prison in accordance with the restrictions stipulated in the Code of Criminal Procedure, unless the judgment explicitly prohibits this option." Despite the similarity with the Iraqi legislator, the Egyptian legislator did not limit this substitution to the crime of theft but left it as a general punishment, stipulating that the substitution of the penalty with a fine is limited to a period not exceeding six months. Despite this, some procedures in Egyptian legislation have demonstrated a pattern of substitution, but these are not considered preventive or rehabilitative, such as suspending executions or replacing the death penalty with life imprisonment, and similar measures that suspend executions or cancel severe sentences at the judge's discretion.

Therefore, while providing genuine alternatives to custodial sentences in the Jordanian Penal Code is of paramount importance, there are some shortcomings in these procedures. Article (25 bis/3) stipulates that the term of the alternative must not be less than one-third of the original sentence and may not be exceeded. However, this provision remains general and imposes very broad discretionary powers on the court, which could lead to inconsistencies in judgments and potentially undermine the principle of equality among those convicted in similar cases. While exceptions are legitimate in serious crimes such as terrorism and sexual assault, expanding the scope of these exceptions could weaken the effectiveness of these options in alleviating prison overcrowding,

especially since a large percentage of those detained in correctional facilities are held for crimes that do not involve the most serious offenses.

Furthermore, Article (25 bis 2/3) of the Jordanian legislature stipulates that the execution judge may replace or modify sentences or their duration based on social status reports. However, the law does not clearly define the nature of these reports or the entity responsible for preparing them, which could lead to inconsistencies in quality and hinder serious follow-up. The text also lacks guarantees to ensure the right to appeal judges' decisions regarding modifications of alternatives.

The Scope of Application of Alternative Preventive Criminal Measures in Jordanian Legislation and Comparative Legislation, and their Impact on Reducing Prison Overcrowding

Through the amendments made to the Jordanian Penal Code in 2025, specifically regarding Articles (25 bis) and (25 bis 2), the Jordanian legislator demonstrated that the scope of application of alternative preventive criminal measures was remarkably broad, despite being subject to a set of controls and conditions. This was to ensure the efficiency and effectiveness of these measures in reducing reliance on prisons and alleviating overcrowding. The Jordanian legislator specified alternative penalties for misdemeanors and felonies whose punishment does not exceed temporary labor or temporary detention for a period of three years, provided the crime is not repeated. These provisions allow the court to replace the custodial sentence with community service, rehabilitation programs, addiction treatment, electronic monitoring, or house arrest, with the possibility of adding supplementary preventive measures such as travel bans or pledges not to contact specific individuals, in accordance with Article (25 bis/2).

This legal framework reflects the Jordanian legislator's awareness of the importance of alleviating pressure on prisons. Implementing these alternatives directly contributes to reducing the prison population, thus maintaining adequate capacity within correctional facilities and mitigating problems associated with overcrowding, such as negative impacts on rehabilitation, increased rates of violence within prisons, and shortages of basic services. Therefore, it can be said that Jordanian legislation combines the dimensions of prevention and reform with the administrative and

technical aspects related to prison overcrowding.

In Iraqi legislation, the scope of alternatives is significantly limited. Article 446 of the Iraqi Penal Code No. 111 of 1969 merely substitutes imprisonment with a fine, without any preventive or rehabilitative measures. This severely limits its impact on reducing prison overcrowding compared to Jordanian and Moroccan legislation.

In Egyptian legislation, Article 18 of the Egyptian Penal Code No. 58 of 1937 offers the option of replacing short-term imprisonment with work outside prison. However, this measure remains general and not specifically designed for prevention or treatment. Consequently, its contribution to reducing prison overcrowding is considerably less than the systematic alternative measures found in Jordanian and Moroccan legislation.

From a guarantee perspective, Article 25 bis/3 stipulates that the duration of alternatives must be no less than one-third of the original custodial sentence and no more than one-third. The implementation of these alternatives is subject to oversight by the execution judge and the Ministry of Justice, as stipulated in Article 25 bis (2). However, some shortcomings exist, such as the ambiguity surrounding social status reports and the nature of defense guarantees when modifying alternatives. This can lead to inconsistencies in implementation and affect the effectiveness of these alternatives in reducing overcrowding in Jordanian prisons.

Therefore, it can be argued that Jordanian legislation represents a relatively advanced model among selected Arab systems, combining preventive, rehabilitative, and social dimensions with administrative measures related to prison overcrowding. In contrast, Iraqi and Egyptian legislation remain limited in this regard. Moroccan legislation, on the other hand, is the closest to the Jordanian system in terms of the comprehensiveness of its measures and their connection to precise implementation guarantees.

Based on the above, it can be affirmed that the alternative preventive criminal measures in the 2025 Jordanian legislation represent a significant step towards achieving restorative justice and reducing over-reliance on prisons. These measures provide diverse and integrated alternatives that consider the preventive, rehabilitative, and social dimensions for those convicted. Furthermore, a comparison with other Arab legislations demonstrates the superiority of the

Jordanian system in terms of the comprehensiveness of alternatives and their connection to precise executive controls, while both Iraqi and Egyptian legislation remain limited in impact, while Moroccan legislation appears close to the Jordanian approach, reflecting the possibility of benefiting from comparative experiences to enhance the effectiveness of these measures and improve the system of alternative penalties in a way that achieves preventive and reformative goals and reduces overcrowding in prisons.

Conclusion

The present study explored other criminal alternatives in Jordan from the combined angles of criminal law and Library and Information Science focusing on the role of the legal information resources in implementing a penal policy. The analysis shows that Jordan has progressed to a fairly well-integrated criminal alternative system consisting of a variety of community-based penalties, such as community service, rehabilitation initiatives, treatment of addictions, electronic monitoring and restriction on residence, increasingly provided for in successive amendments to the Penal Code, notably the 2025 amendments. The results show that the impact of these measures is dependent on the quality of legal information systems used for their implementation as well as on legislative provisions. Social reports, judicial documentation, offender records, electronic monitoring data and institutional information flows are a vital part in the ability of courts and enforcement officers to make an informed decision. The study also identified a number of implementation issues stemming from information governance issues, such as vague procedures for social reporting, lack of uniformity in documentation, inadequate monitoring and coordination between criminal justice institutions. Furthermore, desegregation of the prison population cannot only be achieved through the expansion of alternative sanctions, but by improving the availability of legal information, records management, reporting and digital governance infrastructure. This study sits within this theme of information organization and governance and how this affects the effectiveness of criminal justice reform, as well as the goals of rehabilitative and restorative justice. Furthermore, in light of the foregoing findings of this study, several results were reached, including the following:

- The study results showed that prison overcrowding represents a broader challenge than simply

exceeding prison capacity. It has psychological, social, health, and behavioral effects that negatively impact the rehabilitative and reformatory capacity of prisons, increase levels of violence, and reduce the ability to reintegrate offenders into society.

- The study revealed that the Jordanian legislature has succeeded in establishing a modern legal framework for alternative criminal measures through successive amendments, culminating in the 2025 amendments, which included several reformatory alternatives. The Jordanian legislature has taken cognizance of the need to balance the general deterrent and specific deterrent measures, safeguard society and ensure offender rehabilitation and reintegration into society via restorative justice. Causal relationship between prison overcrowding and therapeutic work. The higher the prison occupancy rate, the lower the quality of individual therapeutic services offered, the fewer opportunities for learning, work and treatment, and the greater the mental health stress and violence.
- The study found that paragraph (3) of Article (25) bis of the Jordanian Penal Code is relatively weak in terms of the length of alternative punishments. This paragraph is to prevent inmates serving short sentences (e.g., two months) for misdemeanors from being allowed to substitute one-third of their sentence (e.g., 20 days) with an alternative punishment, despite paragraph (4) requiring substitution time to be at least one month.
- Also, the study found that there are differences between Article (25) bis paragraph (c/10) relating to the procedures for substitution in cases concerning drugs and the alternative for addiction treatment programs provided in Article (25) bis/1/c. Substitution here is justifiable for felony offenses related to drugs, like drug trafficking, but it should have been made clear by the legislator that addiction, if a misdemeanor, would be handled in the context of alternative drug treatment to keep this subject matter as free of any practical uncertainties as possible.
- The study revealed that the Jordanian legislature has attained a degree of congruence between alternative criminal measures and proportionality and justice. This is done through the use of alternatives for a minimum duration of one-third of the original sentence, and through allowing judge's discretion over how the alternatives are adapted to the nature of the crime and the circumstances of the

person. It represents individual and social justice, enhances the rehabilitative element and helps alleviate overcrowding. In terms of the gradation of the alternatives, as well as the discretionary power of the judge, there are similarities with Moroccan legislation when compared with other Arab legislations. Jordan's laws, however, offer more specific information on crimes, time periods and exceptions. Egyptian and Iraqi law, by contrast, continues to be restrictive, with no modern alternative measures like electronic monitoring or rehabilitation programmes. This renders the Jordanian system more thorough and realistic in order to achieve restorative justice.

- Jordanian amendments of 2025 revealed a great level of advancement in preventive measures, other than imprisonment. They offered a variety of options, such as community service, treatment and rehabilitation centers, addiction treatment, E-Monitoring, and other treatment options. This has been a modern criminal philosophy of reforming the offender, of reintegration, of a reduction of overcrowding in prisons. Jordanian legislation resembles Moroccan legislation in terms of the comprehensiveness of alternatives and the judge's authority; however Moroccan legislation is more specific in terms of the minimum and maximum hours of service, and the type of institutions that benefit from them. In contrast, Iraqi and Egyptian laws only allowed for fines or to be forced to work outside prison without any preventative or rehabilitative measures to help ease the burden and therefore did not affect the efficiency of reducing prison overcrowding.
- The Jordanian amendments showed that there were many alternatives available to replace custodial sentences with community service, rehabilitation programs, addiction treatment, electronic monitoring, or partial or full house arrest, all in addition to further preventative measures like travel bans or commitments not to contact certain people for misdemeanors and felonies with sentences of no more than three years. This framework has helped to alleviate the pressure in prisons and to safeguard the capacity of prisons. In contrast, Moroccan law is comprehensive, extends the time limits and is very well supervised, and Iraqi and Egyptian law has a marginal effect, because its alternatives are non-custodial—fines or community service—outside the prison system and

therefore less effective in addressing overcrowding. There are concerns about the ambivalence of the Jordanian legislation, especially in relation to social status reports and defense guarantees, which may impact its implementation.

Implications

This study has conceptual, practical and policy implications. Theoretically, the study is a contribution to the literature on alternative criminal measures by bringing the concepts of Library and Information Science to the realm of criminal justice. It illustrates the need for looking at penal reform in a different perspective, well beyond legal studies, because the impact of alternative sanctions is inherently related to legal information systems, judicial documentation, reporting mechanisms and institutional information governance. This interdisciplinary approach adds to the body of work that has emerged in recent years that acknowledges information as a strategic asset in the public sector decision-making and criminal justice administration process.

The study has practical implications for the need to have reliable social reports, standardized documentation protocols, and accessible legal information for judges, enforcement authorities, and correctional institutions. Accurate and timely information about the social backgrounds of offenders and their rehabilitation potential and compliance with measures is essential for the courts to make informed decisions about alternative measures. Likewise, correctional and supervisory bodies need the information systems to be integrated so that information can be shared, monitored and evaluated. The results indicate that there is a risk of inconsistent and non-fair implementation, even with complete legal provisions, if there are shortcomings in information quality.

On a policy level, the study offers suggestions for lawmakers and criminal justice officials looking to enhance prison overcrowding reduction practices. The findings from the analysis highlight the importance of having effective information governance systems, digital monitoring systems, standardized reporting frameworks, and interagency coordination mechanisms in place. Improving these information infrastructures will improve transparency and accountability and improve evidence-based decision making. Moreover, the study reveals that legal-information management can be viewed as a vital piece of modern penal reform agenda, especially in places where public safety,

rehabilitation and restorative justice are all considered a part of the agenda.

Limitations and Future Directions

This study has few limitations which could be the future research directions. First, it is based mainly on the legal and documentary analysis and not empirical data from judges, correctional officials or offenders. Interviews, surveys or case studies should be used in future research to assess the implementation of alternative criminal measures. Secondly, the study is mainly based on the legislations in Jordan and limited comparative Arab jurisdictions. A possible scope for future research is to study information-governance in criminal justice systems within Europe and internationally, for comparison. Third, the study focuses on social reports and electronic monitoring from a legal-information perspective to the exclusion of an assessment of their operational effectiveness, based on real implementation data. Empirical evaluation of these information resources in terms of their quality, reliability and outcomes is recommended for future research. Lastly, the study looks at information-governance problems in an abstract manner and does not offer an analysis of any existing digital platform or legal information system that is employed by criminal justice organizations. Future studies are recommended to address the design, functionality, interoperability, and governance of digital legal-information infrastructures for alternative criminal measures and for reduction policies for prison overcrowding.

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