

The Crime of Begging, a Comparative Study of the Jordanian, French, Belgian and German Laws

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Abstract

The significant increase in the number of beggars is a dangerous indication of what the situation will be in the future, especially since most of them take begging as a profession or a craft and consider it a means of subsistence, and many of them have become an excellent way for criminals to achieve their goals by exploiting them in exchange for small sums. This applies to Jordan, France, Belgium and Germany. Therefore, there is a need to talk about this important topic. This research leads to many findings and recommendations, the most important of which is that most of the laws agreed to criminalize begging by stipulating it in the penal codes thereof. Each law has conditions for considering this act criminal. However, they vary in severity. The most severe punishment was in the Jordanian law, then comes the French law, then the Belgian law, and finally the German law. I hope the legislators in Jordan, France, Belgium and Germany will increase the punishment for beggars and those who use beggars to work in begging and I hope they will set up a special system for beggars that regulates all the matters related thereto, as this will give greater importance to this serious crime in society. I also hope that the Jordanian legislator will give the court and the competent judge, not the Minister of Social Development, the powers to release beggars, because the competent authority is fundamentally the judicial authority, not the executive authority.

Keywords: *Begging, the homeless, packman, jordanian law, french law, belgian law, german law.*

Introduction

Begging is a common phenomenon in all societies. Begging was and is still a social phenomenon that disturbs the peace of society. It is an old phenomenon in the human community in general. There are many methods of begging, the most important of which is to show the need by crying and accompanying children who suffer from some disease.

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Begging is either apparent, or invisible through the provision of symbolic services such as wiping the windshields of cars. There is also begging in certain seasons. The methods of begging differ, but they meet one goal, which is to obtain money.

There are many causes for begging, the most important of which are poverty, unemployment, the increase in the standard of living compared to the low income of the individual, family disintegration, low educational level and the absence of a person's religious morals.

Research Problem

The phenomenon of begging is increasing continuously in all countries of the world, with many people becoming proficient in begging and considering it a profession like any other profession without the slightest knowledge of them that criminal laws consider begging a crime and punish those who commit it. This is why we seek to clarify the position of a set of laws on that: Jordanian, French, German and Belgian law.

Research Importance

The crime of begging is one of the most dangerous crimes against societies, as it threatens their economic, political and security stability, because this crime may become an organized crime by exploiting beggars, including women, children, and others, in order to achieve unlawful gains and benefits. Therefore, it is necessary to clarify the position of laws thereon.

Research Questions

1. What is the position of Jordanian, French, Belgian and German laws on the crime of begging?
2. What are the elements of the crime of begging (the legal element, the material element and the moral element)?
3. Has the crime of begging become a profession for people?
4. Is there a system or law related to the crime of begging in these countries?
5. Who is the competent authority to punish a beggar?

Research Methodology

It is a comparative analytical study of the crime of begging. It compares between criminal laws, especially the Jordanian, French, Belgian and German laws, to clarify the position of each of them and highlight the strengths and weaknesses of these laws.

Research Plan

First section: The concept of begging

Second section: Elements of the crime of begging

First section: the concept of begging

First topic: the definition of begging

There have been many definitions of begging, but the most important of these definitions are:

It is standing in public roads requesting material assistance from passers-by or from shops or public places, or claiming to perform services for others or other false pretences, in order to hide the original activity, such as staying in the street or in front of mosques, exploiting injuries and disabilities, or any other means, to gain the sympathy of the public.³

It is gathering alms for the personal interest, even if this request occurred in the fraudulent pretence of a commercial business.⁴

It is urgency in asking for alms by showing humiliation in front of others and asking their kindness and mercy, with the intention of obtaining money, whether this behavior is associated with their asking directly or indirectly, through showing acrobatic games, for example, or showing bonds of debts, wearing poor clothes, or carrying children and so on.⁵

Thus, it can be said that a beggar is that person who gets money in an unworthy way because the wage is in exchange for work and he/ she does not work but depends on the work of others.

Second Topic: The Difference between Begging and the Terms ‘Peddler and Vagrancy’

A vagabond is a person who lives in the open and on the roads and has no home or house to live in, because there is no place surrounded by walls or a roof that could shelter him/ her, and this is because of either social, economic or political reasons. He/ she often lives alone without connection to his/ her family. The vagabond has a profession or a craft through which he lives without the need to ask people for alms, in contrast to the beggar who often resides within the vicinity of their families in a house sheltering them, after completing the begging work, as they took that as an easy way to earn their living.

A peddler differs from the beggar in that the peddler is an unlicensed merchant, as they move from one place to another seeking to sell their goods and get their daily food. They may work for their own account or for the account of others in return for wages. They are often on the roads and near traffic lights in public streets, on sidewalks, or in streets, parks, cafes, etc. in residential and industrial areas, so that the provisions of begging do not apply to them.

Consequently, it is clear from the foregoing the difference in practice between the terms ‘vagrancy and peddler’ and the term ‘begging’, the topic of this research.

Second Section: Elements of the Crime of Begging

The crime has three elements, which are the legal element, the material element and the moral element, and we will clarify them as follows:

³ Abu Sari', Muhammad (1986). The Phenomenon of Begging and Obstacles to Combating It, a paper submitted to the Police Academy, Egypt – Cairo, p. 4.

⁴ Corneau, Gerard (1998). Dictionary of Legal Terms, translated by Mansour Al-Qadi, First Edition. University Studies and Publishing Foundation, Lebanon-Beirut, p. 472.

⁵ Ash-Shathry, Abdulaziz (2010). Begging in the Saudi System of Trafficking in Persons, Master's Thesis in Criminal Justice. College of Graduate Studies, Naif University for Security Sciences, Saudi Arabia – Riyadh, p. 26.

First Topic: Legal Element

The crime in its essence is an unlawful conduct, and this illegality comes from the applicability of a conduct, whether it is an act or refraining from doing an act, to an act criminalized by the law.⁶ The legal element of the crime is the unlawful character, so it is merely a description or adaptation that the law adds to the conduct and thus the legal element is distinguished from both the material element and the moral element.

There is a fundamental rule in the criminal law that there is no crime nor penalty unless provided for by the law. Therefore, in order for there to be a crime of begging, it shall be stipulated in the law first, and the Jordanian legislator stipulated the crime of begging in Title Ten / Chapter One, in Article 389 of the Jordanian Penal Code No. 16 of 1960 amended by Law No. 27 of 2017:

Whoever:

behaves in a disorderly or indecent manner in a public place;

is found wondering or placing him/herself in any public place to beg or gather alms, whether by the exposure of wounds or deformation or by any other means whatsoever or causing procuring or encouraging any child under the age of sixteen years to do so;

is found going about as a gatherer or collector of alms, or endeavoring to procure charitable contributions of any nature or kind under any false or fraudulent pretence.

in any public place conducts in a manner likely to cause a breach of peace.

shall be punished by imprisonment for a period not exceeding three months, or if the court decides to refer him to any institution designated by the Minister of Social Development to take care of beggars for a period not less than one year and not exceeding three years.

However, and pursuant to this Article, the Minister of Social Development may, at any time he wishes, release any person entrusted to any institution according to the conditions he deems appropriate, and he may also return him to the aforementioned institution to complete the adjudged period if these conditions are violated.

1. In case of repetition of the act stipulated in Clauses (b) and (c) of the previous paragraph, the court may decide to refer him/ her to the institution referred to in that paragraph for the period mentioned therein, provided that the Minister of Social Development may not release him except after he has served at least one third of the sentenced period, or the court may judge with imprisonment for a period of three months to a year in case of repetition for the second time and for a period of four months to a year in case of repetition for the third time or more.
2. Whoever uses others to commit one of the acts stipulated in Clauses (B) and (C) of Paragraph (1) of this Article shall be punished with imprisonment for a period of no less than one year.

⁶ Reda, Ismail (1980). The phenomenon of begging and the role of the police in combating it (from research presented to the Police Academy), Egypt – Cairo, p. 43.

3. The Minister of Social Development may assign one or more employees to investigate the crimes mentioned in this Article regarding begging, collecting alms and donations, and arrest the perpetrators. For this purpose, the assigned employee shall have the power of judicial police.
4. In all cases, the court has the right to confiscate the funds and things in the possession of those who committed any of the previous acts and order them to be handed over to the Ministry of Social Development to spend the same on agencies and institutions concerned with caring for beggars.

It can be said with regard to the position of the Jordanian law that it is good that the Jordanian legislator gave the judge a wide discretionary power to imprison the beggar for a period not exceeding three months, or that it made the court decide to refer him/ her to any institution concerned with caring for beggars, designated by the Minister of Social Development, because the judge is the most capable and closest to the incident that occurred, to the situation, and to the beggar and his/ her circumstances. Therefore, the judge is the one who can estimate if there is a need to imprison him/ her or it is preferable, for the sake of his/ her interest and the interest of society, to be referred to an official institution concerned with caring for beggars. However, the Jordanian legislator is blamed for granting the authority to release him/her to the Minister of Social Development, as this should have been the prerogative and discretion of the penalty judge, who represents the judicial authority, not the executive authority, as he is the one who has the authority and jurisdiction in the first place.

The Jordanian legislator has tightened the penalty imposed on beggars in case of repetition, by imposing a penalty of imprisonment for a period of three months to a year in case of repetition for the second time, and for a period of four months to a year in case of repetition for the third time or more. I hope the Jordanian legislator will tighten the penalty for repeated begging, so that if it is repeated for the second time, the penalty ranges from 6 months to a year and a half, and this is so that the beggar who has repeated his/ her crime cannot benefit from the provisions of the Jordanian Penal Code, which allows the replacement of a penalty that does not exceed three months with a fine. This is so that a beggar who has repeated his/ her crime cannot benefit from the provisions of the Jordanian Penal Code, which allows, in case of a prison sentence of no more than a year, to submit a request to the court to suspend the execution of the penalty.

The Jordanian legislator has stipulated the penalty of imprisonment for a period of no less than one year for anyone who uses others to work as beggars. I wish the Jordanian legislator will tighten the penalty period for this person who is considered more dangerous than the beggar himself/ herself, and for this his/ her penalty shall be no less than three years.

The Jordanian legislator gave social development employees the power of judicial police with regard to begging and collecting alms and donations, and thus the power of arresting the perpetrators, which is an important and excellent matter related to the public interest as those are specialized employees and are able to do so with high professionalism.

The Jordanian legislator has given the authority to distribute and disburse funds that are confiscated from begging to the Ministry of Social Development to spend them on the bodies and institutions concerned with caring for beggars. I wish that it had been explicitly stipulated that these funds would be spent on beggars themselves as they are the main target. If these bodies and institutions may try to address begging in secondary ways and revolve around treatment without the treatment itself through, for example, propaganda campaigns to

reduce begging or increase the number of social development employees to reduce begging, however, it is better to find job opportunities for beggars or to give them simple loans provided that they are placed under surveillance and a monthly report about them shall be written by a specialized employee in the Ministry of Social Development.

In Jordan, the Ministry of Social Development has established a main unit to combat begging and beggars and it is called the Unit of Combatting Beggars. It has three programs: the program to control adult beggars, the program to control non-adult beggars, and the program for care and rehabilitation of beggars, in addition to that specialized teams are formed to combat begging in all the governorates of the Kingdom and provide their members with legal capacity through granting them the power of the judicial police, and they are often transferred from the security centers to the Administrator and a written pledge is made on them by a guarantee on the adults and on the families of the child beggars to prevent the repetition of this crime, but this administrative procedure may not prevent them from being transferred to the competent court to prosecute them for the crime of begging according to the Jordanian penal code that was mentioned previously.

Likewise, and with regard to the persons who are arrested and who have not reached the age of eighteen and who are considered juveniles, they are transferred to the Juvenile Court according to the Jordanian Juvenile Law No. 32 of 2014. The acts of begging done by these persons threaten their lives, security, future and right to live in a safe and secure environment. These children have been considered among the cases that require care and protection for them in case of performing beggary activities in order to provide them with the required care and the best benefit, as the court requests a juvenile probation officer, who is an employee of the Ministry of Social Development to follow up on juvenile affairs by preparing a report on the situation of the juvenile, the circumstances surrounding his/ her family and social environment, as well as his/ her health conditions, in order to take the corrective measures that the court deems appropriate for them, in order to take care of him/ her and reform such children through the juvenile care, reform and training homes.

As for the position of the French law, the French penal code stipulates the punishment of the beggar in Article 234 that every person who is a beggar in a place where there is a public institution organized for the purpose of avoiding begging shall be punished with imprisonment from three to ten months and taken finally to the begging house. Article 275 stated the beggary committed in places where there is no house for beggary and where the person is of sound body and is arrested in the province in which he resides, so a person who does this shall be punished. The penalty imposed on begging is tightened when the beggar accompanies a small child or several young children who are not among its descendants, according to Article 3/723 of the French Penal Code.

It can be said with regard to the position of French law that we find that it designated public institutions for the purpose of avoiding begging, which punishes whoever is found a beggar in an area that has one of these institutions and then he/ she is led to the begging house. The beggar of sound body is also punished, even in the absence of one of these institutions and the penalty is severe when there are children with a beggar, who are not among his/ her descendants. The penalty for begging is maximum ten months and minimum three months.

As for the Belgian law, Article 234 of the Belgian Penal Code stipulates that every person who enters for the sake of begging a dwelling or one of its annexes without permission from the owner or those who live in his/ her house is punishable by imprisonment from eight days to one month.

It can be said, regarding the position of the Belgian law to punish beggars who enter the dwellings of others without the permission of the owner of the house and in the sense of the violation, the permission of the owner of the house to enter this house eliminates the crime, as if it did not incriminate those who beg in the street. It stipulated the punishment of those who carry false certificates or papers to claim the need, and the maximum penalty is one month and the minimum is 8 days.

As for the German law, Article 261/2 of the German Penal Code stipulates that the penalty of imprisonment prescribed for violations in Paragraph 5 shall be imposed on whoever resorted to begging or pushed youngsters to do this act or sent them to beg. The imprisonment for violations did not exceed six weeks and was not less than one day.

It can be said, regarding the position of German law, that beggars are punished in any form and it explicitly stipulated for accompanying young children to beg with them or send them to beg on their own, and the penalty for begging is a maximum of 6 weeks and a minimum of one day.

Through what we have previously presented, we found that most of the laws have agreed in the criminalization of begging by stipulating it in the penal codes thereof. Each law has conditions for considering the act criminalized, but the severity varied and we will present them in a descending manner, which is from the most severe punishment to the least. The most severe punishment is the penalty of the Jordanian legislator which is imprisonment for a period not exceeding three months, or the court decides to refer him/ her to any institution concerned with caring for beggars designated by the Minister of Social Development for a period of no less than one year and not more than three years. The Jordanian legislator stressed in case of repetition that it is not permissible to the Minister of Social Development to release him/ her except after he/ she has completed at least one third of the sentence to which he was sent, or to serve a sentence of imprisonment for a period of three months to a year in case of repetition for the second time and for a period of four months to a year in case of repetition for the third time or more. The Jordanian legislator also inflicted a sentence of imprisonment for a period of no less than one year against those who use others to beg.

The position of the French law was that he/ she shall be punished with imprisonment from three to ten months and finally led to the begging house, then the position of the Belgian law was imprisonment from eight days to a month. However, the position of German law was weaker, as the beggar is punished with imprisonment not exceeding six weeks and not less than one day.

It can be said, despite these laws, that the number of beggars is a dangerous indication of what the situation will be in the future, especially since most of them take begging as a profession and consider it a means of

subsistence and many of them have become an excellent way for criminals to achieve their goals by exploiting them in exchange for small sums they obtain and this applies to Jordan, France, Belgium and Germany.

Second Topic: The Material Element

It is the external material conduct that the law stipulates its criminalization, and it is necessary for its establishment as no crimes are known without a material element and this element consists of three things:⁷

Criminal behavior, which is the material activity that constitutes the crime, and there is no crime without it because the law does not punish mere intentions and this activity differs from one crime to another.

Criminal consequence, which is the effect of the criminal conduct, which is the change that takes place in the outside world, thus achieving aggression that violates an interest or a right. This consequence entails a penal protection as estimated by the legislator.

Causal relationship, which is the link between the criminal conduct and the criminal consequence, as it proves that the criminal conduct is what led to that result.⁸

The material element in the crime of begging in general in all of these laws that we mentioned previously is a criminal conduct that is deducted from the concept of begging, which is appearing in a fake appearance and showing humiliation and misery in front of people, then asking them for money. This is repeated until his/ her request for money is fulfilled. Therefore, the criminal conduct is the act of asking people for money. As for the criminal consequence, people are embarrassed because of the humiliation and misery beggars show, in addition that this act distorts the societies in which it exists and harms the economy because it may encourage others not to work and obtain money in the easiest way without any effort. The causal relationship is the link between the criminal conduct of the beggar and the criminal consequence that leads to harming society and the economy.

Third topic: the moral element

It is the psychological element of the crime, because the crime is not a material entity only, because there is no crime without a moral element. It is its soul and the way to determine who is responsible for it, so the moral element is the guarantee of justice and a condition in order for the punishment to achieve its objectives. It is assumed that the penal capacity exists for the establishment of punitive responsibility, which is based on perception and discrimination.⁹

The moral element in the crime of begging is that the two elements of knowledge and will exist with a beggar, as he/ she knows that his/ her begging is considered a crime punishable by laws, as well as that his/ her will is free from any coercion, so he/ she is begging freely in order to illegally gain this money that is obtained unlawfully through lying and claiming the need, in order to force people to give him/ her money with the purpose of getting rid of them. Therefore, there is criminal intent in the crime of begging. However, if one is forced by others to beg, then the criminal intent and the moral element are excluded, and thus he/ she is not

⁷ Al-Qahwaji, Ali (2008). Explanation of the Penal Code, General Section, First Edition. Al-Halabi Legal Publications, Beirut – Lebanon, p. 46 and what follows.

⁸ Al-Khalaf, Ali (1990). General Principles in the Penal Code. Al-Maktabah Al-Qanuniyyah, Baghdad-Iraq, pp. 138-141.

⁹ Al-Khalaf, Ali, Ibid, pp. 148-149.

punished, but whoever uses him/ her for the crime of begging will be punished, and this is consistent with the general rules in the criminal laws in Jordan, France, Belgium and Germany.

Thus, for the crime of begging to exist, there must be three elements of this crime: the legal element, the material element, and the moral element.

As for the position of the Jordanian judiciary in relation to the crime of begging, we mention a number of decisions as follows:

1. The ruling No. 824/2020 of the Amman Criminal Court of First Instance, in its capacity as an appellate court, upholding the decision No. 2020/4573 of the North Amman Magistrate Court, which includes a basis for Article 389/1 of the Jordanian Penal Code, which is imprisonment for a period of one month with fees and confiscation of the monetary sums that were seized in his/ her possession while he/ she was begging, which amounted to thirty-eight dinars, and handing the same over to the Ministry of Social Development to be spent on agencies and institutions concerned with caring for beggars.
2. The ruling No. 820/2020 of the Amman Criminal Court of First Instance, in its capacity as an appellate court, upholding the decision No. 1437/2020 of the North Amman Magistrate Court, which includes declaring the appellant's innocence for the following reasons: Article 389/1 / b of the Penal Code stipulates that whoever is found wondering or placing him/herself in any public place to beg or gather alms, whether by the exposure of wounds or deformation or by any other means whatsoever or causing procuring or encouraging any child under the age of sixteen years to do so. Article 150 of the Penal Trials Code stipulates that the investigation documents organized by the judicial police officials in the delicts and contraventions which they are entrusted to record are enforced by virtue of the provisions of the special laws, and the defendant may prove its opposite by all means of substantiation. Article 151 of the Penal Trials Code states that in order for the investigation documents to have substantiation effect, the following shall be taken into consideration: A- They shall be organized within the area of jurisdiction of the official and during performing the tasks of his position. B- The official should witness the incident by himself. C- The investigation documents shall be sound in terms of the form. Other investigation documents shall be ordinary information.

Accordingly, and since the judicial police officials do not mention the incident of begging, the subject of the investigation documents, and since they did not see the appellee begging, rather he/ she was selling Fine tissues in the public street, and they did not see the incident themselves, so the investigation documents violated the provisions of Article 151 of the Penal Trials Code and as a result, the evidence presented by the prosecution lacked the simplest legal conditions that shall be provided in the evidence, in addition that it is not valid for establishing a judgment to be based thereupon, so it must be excluded. By excluding it, there is no longer any evidence linking the appellee to the crime ascribed thereto, so the appellee shall be declared innocent of the crime ascribed thereto because of the lack of the legal evidence established against him/ her.

This is in addition to that the accused is innocent until his conviction is proven, and the evidence is established in the felonies, delicts, and contraventions by all ways of verification, and the judge shall pass judgments in

accordance with his personal persuasion, in accordance with the provisions of Article 147 of the Penal Trials Code. Since the first-degree court has reached what we have reached in terms of the result, and we approve that, this necessitates the rejection of the appeal and the ratification of the appealed decision. Based on the foregoing, the court decides to dismiss the appeal on the merits and uphold the appealed decision.

3. The ruling No. 604/2020 of the Amman Court of First Instance, in its capacity as an appellate court, upholding the judgment of the East Amman Magistrate Court, regarding the judgment containing the application of the provisions of Article 389/1 of the Jordanian Penal Code, which is one-week imprisonment and fees, but the judgment is annulled in relation to the non-judgment of the first instance court and its decision was the confiscation of the seized things obtained by begging, in application of Article (389/5) of the Jordanian Penal Code.
4. The ruling No. 292/2020 of the Amman Criminal Court of First Instance, in its capacity as an appellate court, which includes that what is proven in the evidence is that the appellee created a post on a Facebook page requesting a donation for the benefit of the complainant Ahmed Fayez Obaid, because the latter had a physical disability, which is imputation of the right leg, after the first obtained a picture of the complainant through the Imam al-Shafi'i Qur'anic Center run by the witness, Iman Mahmoud Abdul-Latif As-Salihi, who provided the appellee with a pitiful image of the complainant through the witness Maha Fakhri Muhammad As-Salihi, who obtained the photo (according to her police statement) from the complainant's wife. The appellee was able to collect donations that became disputed, according to the witness, Imad Salem Ali Al-Shuqirat, as it reached 2000 dinars.

Therefore the offense that must be attributed is the misdemeanor of begging via social media sites, within the limits of Article 389/3 of the Penal Code and according to Article 15 of the Electronic Crimes Law. Because that crime requires that there be a prior agreement on the act of begging and because the complainant states that he had no knowledge of what the appellee did, so the latter's action does not constitute a criminal offense, contrary to what the Magistrate Court has reached. Accordingly, we decide, according to Articles 177, 258 and 234 and 262 of the Penal Trials Code, the acceptance of the appeal on the merits, and the revocation of the appealed decision as follows: -

Amending the description of the charge assigned to the appellee, Mohammad Abdulaziz Darwish, of the offense of defamation, slander and contempt, in accordance with the provisions of Article 11 of the Electronic Crimes Law, to be a misdemeanor of begging by using others, and this shall be within the limits of Article 389/3 of the Penal Code and according to Article 15 of the Electronic Crimes Law.

5. The judgment of the Aqaba Criminal Court No. (1081/2013), dated 05/26/2013, which includes placing two minors who committed the crime of begging in a juvenile education home for a period of one month, confiscating the seizures and delivering the same to the Ministry of Social Development.

Conclusion

It is clear from this study that the topic of begging is one of the important topics for all countries, so it was their duty to stipulate a penalty for the crime of begging, and this was clear in Jordan, France, Belgium and Germany. There is also a number of findings and recommendations:

Results

1. Most of the laws have agreed to criminalize begging by stipulating it in their penal code, and each law has conditions for considering the act as criminal, but the severity varied, the most severe punishment was the Jordanian law, the French law, the Belgian law, then the German law.
2. The significant increase in the number of beggars is a dangerous indication of what the situation will be in the future, especially since most of them take begging as a profession and consider it a means of subsistence and many of them have become an excellent way for criminals to achieve their goals by exploiting them in exchange for small sums they get and this applies to Jordan, France, Belgium and Germany.
3. The Jordanian legislator has affirmed that the Minister of Social Development may, at any time he wishes, release any person entrusted to any institution according to the conditions he deems appropriate, and he may also return him to the aforementioned institution to complete the adjudged period if these conditions are violated.
4. The Jordanian legislator has tightened the penalty for repetition for beggars by imposing the penalty of imprisonment for a period of three months to a year in case of repetition for the second time, and for a period of four months to a year in case of repetition for the third time or more.
5. The Jordanian legislator has given the judge a wide discretionary power to imprison the beggar for a period not exceeding three months, or that it made the court decide to refer him/ her to any institution concerned with caring for beggars, designated by the Minister of Social Development, because the judge is the most capable and closest to the incident that occurred, to the situation, and to the beggar and his/ her circumstances. Therefore, the judge is the one who can estimate if there is a need to imprison him/ her or it is preferable, for the sake of his/ her interest and the interest of society, to be referred to an official institution concerned with caring for beggars.
6. The Jordanian legislator has stipulated the penalty of imprisonment for a period of no less than a year for those who use others to work as beggars.
7. The Jordanian legislator gave social development employees the power of judicial police with regard to begging and collecting alms and donations, and thus the power of arresting the perpetrators, which is an important and excellent matter related to the public interest as those are specialized employees and are able to do so with high professionalism.
8. The Jordanian legislator has given the authority to distribute and disburse funds that are confiscated from begging to the Ministry of Social Development to spend them on the bodies and institutions concerned with caring for beggars.

Recommendations

1. I hope the legislators in Jordan, France, Belgium and Germany will increase the punishment for beggars and those who use beggars to work in beggary and and I hope they will set up a special system for beggars that regulates all matters related thereto, as this will give more importance to this dangerous crime in society.
2. I hope that the Jordanian legislator will give the court and the competent judge, not the Minister of Social Development, the powers to release beggars, because the competent authority is fundamentally the judicial authority, not the executive authority.
3. I hope the Jordanian legislator will tighten the penalty for repeated begging, so that if it is repeated for the second time, the penalty ranges from 6 months to a year and a half, and this is so that the beggar who has repeated his/ her crime cannot benefit from the provisions of the Jordanian Penal Code, which allows the replacement of a penalty that does not exceed three months with a fine. This is so that a beggar who has repeated his/ her crime cannot benefit from the provisions of the Jordanian Penal Code, which allows, in case of a prison sentence of no more than a year, to submit a request to the court to suspend the execution of the penalty.
4. I hope the Jordanian legislator will tighten the penalty period for whoever makes use of others for begging, since this person is considered more dangerous than the beggar himself, and for this his/ her sentence must be no less than three years.
5. I wish that the Jordanian legislator explicitly stipulated that these funds shall be spent on beggars themselves as they are the main target. If these bodies and institutions may try to address begging in secondary ways and revolve around treatment without the treatment itself through, for example, propaganda campaigns to reduce begging or increase the number of social development employees to reduce begging, however, it is better to find job opportunities for beggars or to give them simple loans provided that they are placed under surveillance and a monthly report about them shall be written by a specialized employee in the Ministry of Social Development.

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