

The Avenge as a Motive of Homicide Crimes in Jordan for the Period (2017-2021)

Hamzeh Abu Issa¹ &
Mohammed Al Shibli²

Abstract

Referring to the importance of motive element in committing crimes, principally the homicide crimes, the article sought to address the avenge motive, which is considered as one of the most important motivational models. The avenge motive was prevalent under earlier societies until much later, most of the murders in Jordan during the past decades were linked to specific motives such as avenge and honour preservation. Hence, the researchers selected five-year period to illustrate the extent to which the Jordanian society (clan-based) was influenced by the motive of avenge in perpetrating the murders. To this end, descriptive analytical approach was employed, to classify avenge as one of murdering motives, analysis of criminal statistics, and judicial rulings. The article came out with very important outcomes; that the number of homicide in Jordan during 2017-2021 reached to 511 cases, of which only eight were motivated by avenge, i.e. (1.6%), which indicates a decline in avenge crimes in Jordan, also it concluded that, the most important role in reducing revenge crimes in Jordan attributes to the Jordanian judiciary system, which tightened judicial provisions in avenge murdering, as it considered it an aggravating circumstance that raises the murder penalty to capital penalty.

Keywords: Homicide, Criminal Law, Motives, Avenge, Jordanian Law.

Introduction

The crime motive is defined as "The leading force of the will, or the psychological factor which leads to contemplation of a crime." (Mustafa, 1983). Koegl & Farrington (2021) expands on its definition to include the tangible, physiological, emotional or psychological conditions (i.e., drives, states, emotions or other propelling forces) that energize a person to commit crimes (p.315).

¹ The author is the Dean of Faculty of Law at the applied science private university, Jordan. He can be reached at hamza_abuissa@msn.com

² The author is an associate professor in criminal law - Faculty of Law at the Jadara University, Jordan. He can be reached at soramohamad@yahoo.com

In addition, Article (67/1) of the Jordanian Penal Law (1960) defined it as: "The cause that compels the offender to act, or the ultimate target to which he aspires". It is proven by jurisprudence that the motive is not included in the crime's elements, and it has nothing to do with establishing the criminal liability of the offender, whether his motive was honourable or scummy (Husak, 1989), Except in some crimes where motive is one of its elements (Hessick, 2006).

Article (67/2) of the Penal Law is consistent with this meaning, as it states: "Motive is not an element of criminalization except in cases specified by law" thus, the motive may have an effect on the commission of the crime or the terms of its punishment, in the exceptional cases established by law, in these cases, the motive may have some role in determining criminal intent, and this is in some cases where special intent is required by law (Al-Qadi, 2001). However, motivation is important in the following:

- 1- Motivation has a major role in guiding the judge when he uses his discretionary authority to determine the sentence as he explores the extent of the criminal risk of the perpetrator. Thus one who is implicated in a crime with a noble motive is undoubtedly less dangerous than one who is implicated in a crime with a bad motive. Rather, the noble motive may direct the judge to apply mitigating circumstances, as he may direct to suspend the execution of the penalty or consider an alternative measure to the sanction, where the motive performs that role without the need for a special provision to determine it, based on the necessity of the judge to use his discretionary authority according to logical regulations, the most important of these regulations is the degree of criminal risk of the perpetrator (Hosni, 1988).
- 2- The study of motives helps to reveal the aspects of the criminal's personality. Thus appropriate methods of treating him can be determined by tracing his motives and the circumstances that led him to go down the criminal path. Then society can repel the aggression directed against him from the deviant by developing methods for his treatment and predicting his future direction. (Ahmed, 2011).
- 3- Sometimes the motive is the aggravating or mitigating circumstances of the crime, for example, when the legislator considers killing to avoid shame an extenuating circumstance, and when killing as a prelude to another crime is considered an aggravating circumstance.

- 4- "As an evidential fact motive is always relevant, but never essential. When a motive of the accused for the commission of a crime is discovered, it is easier to believe that he committed it than when no motive is apparent. For this reason, it is always relevant to prove the existence of a motive. Though the discovery of a motive helps to prove the guilt of the accused, there may be ample proof, independent of motive, of his guilt. It is not necessary therefore for the state to prove the motive as an evidential fact" (Hitchler, 1931, p.112).

Murders are generated by many motives, the most important of which is avenge, as avenge is an old phenomenon that spreads in tribal societies characterized by extreme tribal fanaticism. Among these societies are Arab tribes scattered throughout the Arab world. This phenomenon is increasing with the increasing influence of the tribe.

Avenge is defined as: "An avenge murder committed by one or more relatives of the victim against the perpetrator himself or one of his relatives" (Abdul Al-Jawad, 2007). The Jordanian Court of Cassation defined the avenge by stipulating: "Avenge is a manifestation of tribal solidarity, and it is a custom inherited from the pre-Islamic era (Jahiliyyah), according to the prevailing tribal custom, one or more members of the family or tribe were killed in retaliation for the killing of one or more members of the family or tribe, that is, avenge is bloodshed in exchange for the bloodshed, and the reason for this custom is the prevailing tribal belief that murder issue can only be solved with murder and that the soul of the victim can only rest through avenge." (Criminal Cassation 22/1979).

Given the importance of closely researching avenge as one of the motives for murder, this Article was devoted to finding out the reality of this motive in Jordan through extrapolation and analysis of criminal statistics for the years from (2017 to 2021) and to clarify the direction of the judiciary about it.

Types of Homicide Crimes in Jordanian Law

The Jordanian Penal Code (1960) punishes both types of murder, homicide and manslaughter. Homicide murder is not of one kind, but the legislator differentiated the punishment according to the circumstances of the murder.

Article (326) of the Penal Law stipulates the penalty for homicide murder as it states: "Anyone who intentionally murders a person shall be punished with twenty years imprisonment". This text represents the general rule in murder, from which the elements of the crime are extracted.

There is premeditated murder with aggravating circumstances stipulated in Article (327) of the Penal Law, and this murder is punishable by life imprisonment if it is committed:

- a- In preparation for the commission, facilitation, or execution of a misdemeanour, facilitating the escape of its instigators, perpetrators, or accomplices, or preventing their punishment.
- b- Against an employee who performs his duty or because of what he has done by his job.
- c- On more than one person.
- d- With the brutal torture of the victim before killing him.

Then Article (328) stipulates aggravated murder, which is punishable by death execution in the following cases:

- 1. If it is committed premeditated, which is called (intentional murder).
- 2. If it is a prelude to a felony, facilitating its execution, facilitating the escape of its instigators, perpetrators, or those involved in it, or preventing them from punishment.
- 3. If the crime was committed against one of his ascendants.

As for the mitigating killing, it is stipulated in Articles (331) and (332). In addition to the mitigating excuses mentioned in Article (340), Article (331) addresses the crime of a mother who kills her child under the age of one year if, at the time of the killing, she did not fully regain consciousness from the impact of childbirth or because of breastfeeding, and in this case, the penalty shall be imprisonment for no less than five years.

Article (332) punishes imprisonment for no less than five years for the mother who killed her child after his birth from adultery to avoid shame.

The extenuating excuses mentioned in Article (340) include the following: Whoever was surprised by his wife, one of his ascendants, descendants, or sisters, while she is involved in the crime of adultery or unlawful bedding, so he killed her on the spot, or killed the one who committed adultery with her or both, or assaulted one or both of them, which led to injury, harm, permanent disability, or death.

The same excuse also applies to the wife whose husband surprised her by committing adultery or illegal bedding in the marital home, so he killed him on the spot, or the female who committed adultery with him was killed, or both of them were

killed, or she assaulted one or both of them, resulting in injury, harm, permanent disability, or death.

Thus, it is clear that the legislator did not specify a specific text for the murder of avenge but rather often falls within the realm of premeditated murder, which is punishable by death.

The Status of Homicide Crimes in Jordan for the Period from (2017) to (2021)

Criminal statistical reports issued by the Public Security Directorate for the years (2017, 2018, 2019, 2020, and 2021) indicate that the number of homicide crimes in (2017) amounted to (124) crimes. However, this number decreased to (84) crimes in (2018), while in (2019) it increased to (110) crimes, then the number decreased in (2020) to (90) crimes, and in (2021) it amounted (to 103) crimes (Criminal Information Department, 2017; 2018; 2019; 2020; 2021), as shown in table (1):

Table (1): Number of Homicide

Year	2017	2018	2019	2020	2021
Number of Homicide	124	84	110	90	103

It is clear from the above table that the year (2017) recorded the highest number of homicides, followed by (2019), then (2021), and then (2020), while the year (2018) was the lowest.

The number of perpetrators in (2017) reached (241), of whom (10) are females, the rest are males, and (10) of them are non-Jordanians, while the number of perpetrators in (2018) reached (143), (9) of them are females, and the number of non-Jordanians was (6), the number of perpetrators in (2019) reached (201), of whom (11) are female. The number of non-Jordanian perpetrators was (18), and in (2020) the number of perpetrators reached (201), of whom (7) were females and (15) of them were non-Jordanians. In (2021) the number of perpetrators was (212), including (11) females and (19) non-Jordanians (Criminal Information Department, 2017; 2018; 2019; 2020; 2021). The following tables show these statistics:

Table (2): Number of Homicide offenders

Year	2017	2018	2019	2020	2021
Number of Offenders	241	143	201	201	212

Table (3): Offenders by gender

Year	2017	2018	2019	2020	2021
Male Offenders	231	134	190	194	201
Female Offenders	10	9	11	7	11
Total	241	143	201	201	212

Table (3) demonstrates that the percentage of females who commit homicide crimes is lower than that of males. For example, in (2017), the percentage was (4.1%) and increased in (2018) to (6.7%), and then in (2019) it became (5.5%), while in the year (2020) amounted to about (3.5%), then it increased in (2021) to about (5.2%).

Table (4): Offenders by Nationality

Year	2017	2018	2019	2020	2021
Jordanian Offenders	231	137	183	186	193
Non-Jordanian Offenders	10	6	18	15	19
Total	241	143	201	201	212

Table (4) above shows that most perpetrators of murder are Jordanians, as the percentage of non-Jordanian perpetrators was as follows: in (2017), the percentage of non-Jordanian perpetrators was (4.1%), and in (2018) it was (4.2%), while in (2019) it amounted to about (9%) and in (2020) (7.5%), as in (2021) the non-Jordanian perpetrator's percentage amounted to about (9%).

In terms of the number of victims, their gender, and nationality, the number of victims in (2017) reached (132), including (28) females and (9) non-Jordanians. On the other hand, the number of victims in (2018) reached (90), of whom (21) were female and (6) were non-Jordanians, while the number of victims in (2019) reached (115) victims, including (26) female and (13) non-Jordanians, as in (2020) the number of victims reached (99), of whom (22) were female, and (10) were non-Jordanians, whereas in (2021), the number of victims reached (108), of whom (29) were female, and (13) of them were non-Jordanians (Criminal Information Department, 2017; 2018; 2019; 2020; 2021), the below-listed tables show the mentioned data:

Table (5): Number of Victims

Year	2017	2018	2019	2020	2021
Number of Victims	132	90	115	99	108

Table (6): Victims by Gender

Year	2017	2018	2019	2020	2021
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Male Victims	104	69	89	77	79
Female Victims	28	21	26	22	29
Total	132	90	115	99	108

Table (6) shows that the percentage of female victims of homicide crimes was as follows: in (2017) it was (21.2%), in (2018) it was (23.3%), then in (2019) (22.6%), and in (2020) the percentage was (22.2%), and increased to (26.9%) in (2021).

Table (7): Victims by Nationality

Year	2017	2018	2019	2020	2021
Jordanian Victims	123	84	102	89	95
Non-Jordanian Victims	9	6	13	10	13
Total	132	90	115	99	108

Table (7) shows that most of the murder victims are Jordanians, as the percentage of non-Jordanian victims was as follows: in (2017), the percentage of non-Jordanian victims was (6.8%), and in (2018) it was (6.7%), and in (2019) it amounted to about (11.3%) and in (2020) (10.1%), while in (2021) their percentage amounted to about (12%).

About the distribution of homicides based on the area where they were committed, the following table shows:

Table (8): Homicides by Regions

Year	2017	2018	2019	2020	2021
Capital Region	42	27	30	29	44
Central Region	36	22	33	21	25
North Region	24	15	21	25	18
South Region	11	12	11	9	10
Bedouin	11	8	15	6	6
Total	124	84	110	90	103

It is observed from the above table (8) that in most years, homicides are concentrated in the capital, where the percentage of homicides in the capital reached (33.9%) in

(2017) and (32.1%) in (2018), and in (2019) the percentage decreased to (27.2%), and in (2020) it became (32.2%), while in (2021) it increased to (42.7%).

Homicide Motivations in Jordan for the Period (2017-2021)

Based on criminal statistical reports issued by the Public Security Directorate (Criminal Information Department, 2017; 2018; 2019; 2020; 2021), the motives for the homicide crimes vary, the most important of which are: personal, family, and financial disputes, honour motives, a prelude to other crimes, and avenge.

Personal, family and financial disputes constitute the main motive for homicides in Jordan during the period (2017 to 2021), where the percentage of murders in (2017) was (49.2%), and in (2018) the percentage was (69%), while in (2019) it was (71.8%), and in (2020) (80%), then (77.6%) in (2021).

As for the motive for avenge, it is noted that it is a low percentage, as four homicides motivated by avenge were committed (2017), which constituted (3.2%)of the total committed crimes, and in (2018), no homicide crime of avenge was recorded, and in (2019) one homicide crime was recorded, i.e. a percentage of Less than (1%), while in (2020), three homicide crimes were recorded at a rate of (3.3%), then in (2021) there were no homicide crimes of avenge.

The Case Law Related to Avenge

The Jordanian judiciary deals firmly with avenging homicide crimes, where the Jordanian Court of Cassation stated: "If the court bases, in proving a homicide crime, that the motive for the homicide is avenging, the motive is not considered an element of criminalization except in the cases specified by law, and the law did not specify that avenge one of the motives that constitute one of the elements of criminalization,(Criminal Cassation 668/2009), and in another ruling, the Court of Cassation clarified that the justification for criminal acts as avenging the murder of a relative of the accused, thus, this justification has no place in the Kingdom and is rejected by the Kingdom's judiciary and out of its consideration (Criminal Cassation 1414/2021).

Reviewing the judicial rulings related to avenging homicides committed between (2017 and 2021), which amounted to eight lawsuits, it is noted that there are five lawsuits in which judicial rulings have been issued. The remaining three lawsuits are still under judicial consideration, and therefore the research will address the lawsuits in which the Judicial decisions were issued:

Case 1: Criminal Cassation No. (2007/2021), on (28-Oct.-2021):

There were previous disputes between the defendants in this lawsuit and the victim "Kazem" and his relatives, following a quarrel between them on (4/12/2015) in the city of Karak, in which firearms were used, which resulted in the death of "Huthayfa". ..., as a result, a clan evacuation for the families of the perpetrators took place, including the assassinated "Kazem", who moved to the city of Madaba while the accused's "Bilal"," Abdullah", and "Sayyaf" decided to take avenge and they agreed to do so, in an implementation of this agreement, the three defendants drove in a white car to the city of Madaba, where the families of their opponents reside, on (2/5/2017) at approximately (8:00 pm), and when they arrived near the family residence of their opponent "Nayef", they saw the assassinated "Kazem" leaving the grocery next to his family's residence, immediately and on the spot, the defendants stopped the vehicle, and the accused "Sayyaf", who was carrying a firearm (a pistol), got down and shot "Kazem" to death, then he returned to the vehicle, where one of the accused asked him whether he was sure of the death of "Kazem" or not, which prompted the accused "Sayaf" to return to the place of "Kazem" 's body and shot him again to confirm his death, and he addressed "Kazem" by saying: (We took our avenge regardless of you and the government),then he returned to the vehicle, accompanied by the accused's "Bilal" and "Abdullah," and they all fled the area, while the neighbours and the victim's family came and took "Kazem" to the hospital, and he died there.

The court considered that this crime was a premeditated homicide, and through the circumstances of the lawsuit and its course, and what was proven to the court of the facts prior to the crime, contemporary and post-crime, the court found that the premeditated circumstances against the accused "Sayyaf" were proven. The court concluded the matter from what follows:

- i. The existence of a previous avenge case in which the brother of the defendants "Bilal" and "Abdullah" and the uncle of the accused "Sayyaf" was murdered, and the accusation of the father of the murdered "Kadhim" and his relatives led the accused "Sayyaf", "Bilal" and "Abdullah" to have previously thought about avenging and made their decision to take avenge and thus committed this crime.
- ii. The accused "Sayyaf", "Bilal Youssef", and "Abdullah" travelled from the city of Karak to the city of Madaba, and one of them (the accused "Sayyaf") was armed with a firearm.

- iii. Immediately upon the perpetrators saw the victim "Kazem", the accused "Sayyaf" fired more than thirteen bullets from a ready-to-fire firearm packed with bullets. As all the bullets hit the victim's body and he fell to the ground, they all left the area after confirming his death.

All these circumstances confirm that the accused, "Sayyaf", "Bilal", and "Abdullah", did so after thinking about the matter and its consequences and planning it calmly, this indicates a tense and malevolent psychological state among the accused, "Sayyaf", "Bilal" and "Abdullah", which were dominated and overwhelmed by the instinct to avenge, and it controlled them completely.

Based on the preceding, the court sentenced the accused to death.

Case 2: Criminal Cassation No. (323/2021), on (16-May-2021), in which the accused is a juvenile, and its facts are summarized:

On (30/10/ 2016), the father of the juvenile (Wathiq) was killed by the son of the victim (Khaled). As a result, the idea of revenge dominated the juvenile defendant, arguing that the victim was the one who incited his son to kill his father, so he decided to avenge his deceased father and began to think carefully and plan the idea of avenging his father. After contemplating and planning to commit the crime, the juvenile left Karak governorate on (24/5/2017) with his deceased father's weapon to Amman, where he knew the victim's location. When the victim left one of the stores, the juvenile took out his pistol and, by insisting on killing the victim at a distance of no more than three meters, fired two shots in the victim's head, fatally wounding him. Then, he fled towards the security centre, where he surrendered and handed his weapon while the victim was taken to the hospital but died.

In addition, in this case, the court held that the murder was premeditated, as the accused travelled from Karak to Amman, armed with his father's pistol, who was killed by the victim's son, and loaded the pistol with bullets and searched for the victim and his family in Amman to avenge the killing of his father. As soon as he met the victim "Khaled", he shot his head. All this evidence indicates that the murder committed by the juvenile defendant, the discrimination applicant, was orchestrated and planned to avenge his father. Thus, the availability of aggravating circumstances for the felony of murder stipulated in Article (328) of Penal Law is premeditated due to the availability of the temporal and psychological elements.

Case 3: Great Criminal Court Decision (946/2018) on (4-March-2019), its facts are summarized by:

As a result of the murder of "Qutayba" in a previous incident, a gang of the murdered clan members, including the accused's, gathered near the house of the accused "Khazer" in the evening (3/6/2017). They agreed to attack the residences of the murderer's family and smash and burn their vehicles to pressure them to accept reconciliation and drop complaints against their clan members, where they equipped themselves with Molotov cocktails and sticks, and some were armed with firearms.

The defendants drove three vehicles to the main street in the eastern neighbourhood of Al-Sareeh City, where the murderer's family locate. There, one of the accused smashed a vehicle, so the victims in the house of the victim's grandfather "Saeed" having breakfast, went out to find out the matter and catch up with the accused. Then two of the accused, "Ali" and "Yasser", opened fire with Bomb action rifles on the victims while they were following them, where the victims mentioned above, and the victim "Khaled", who was inside the shop in which he works, which is adjacent to one of the houses on the site, were hit with bullets scattered on different parts of their bodies, without this endangering their lives, as they obtained medical reports summarizing the periods of the non-functioning, most of which did not exceed a week.

After that, the accused fled from that location, and while they were passing near the house of the murdered "Ali", where his vehicle was parking in the backyard of the house, the accused "Sheyab", who was driving the car, stopped. Then, the accused "Khazer" got off and smashed the victim's vehicle from the back with a hard object, while the defendants, "Sheyab", "Ali", "Yasser", and "Zaid", got down and began throwing stones and flaming Molotov cocktails at the victim's house and vehicle, and shooting from rifles at the house and vehicle, where "Ali" was inside his house with his family, wife, sons, and daughters.

The defendants, "Yasser" and "Zaid", also started firing on the victim "Ali's" house, as one of the bullets penetrated the house through the aluminium window on the western side, hit the wall, and created a hole in the wall opposite the window next to the TV screen, the victim, "Ali", went out to investigate the matter. As soon as he left the door of his house, he was surprised by the shooting, so he tried to enter back the house, but he was hit by a bullet in the right upper back and penetrated the chest wall, causing fractures and bleeding, injuring the right and left upper lobes of the lungs, and exiting from the upper left chest, causing a fracture in the third front left rib, the

victim entered his house and fell to the ground. At the same time, the accused fled the scene, some neighbours came to the victim's house and took him to the hospital, but he died of his injuries.

It was impossible to know who fired the bullet that hit the victim and killed him in particular, as the bullet that hit the victim was penetrating, and the top of the bullet was not captured at the scene of the accident. In addition, only one of the three pistols used in the shooting at the victim's house was confiscated.

This lawsuit was dropped under the Amnesty Law of (2019), as the parties reconciled, as the General Amnesty Law stipulated that there would be reconciliation to drop the lawsuit.

Case 4: Criminal Cassation No. (126/2022), on (1-March-2022):

The brother of the accused "Muthanna" was killed by the clan of the victim "Nawras", and the victim "Nawras", his brothers, and his father were arrested due to the aforementioned crime, subsequently, the victim "Nawras" and his father, were bailed by the High Criminal Court, and as a result of that crime, "Muthanna" began planning to avenge the death of his brother "Mutasim", and in order to reach to the victim, "Nawras", "Muthanna" started thinking of a way to lure "Nawras" to carry out what he intended, his thinking directed him to seek help from his friend "Omar", he show him a photo of the victim and asked him to help him lure the victim "Nawras", "Omar" agreed to his request, and he asked his friend "Lina" to do this task, after that, the three met, as the accused hid his job description and his name from "Lina", and "Omar" introduced the accused to "Lina" by the name "Muhammad", "Muthanna" requested "Lina" to establish a relationship with the victim "Nawras", where he guided her to the location of "Nawras", and showed her a picture of the victim, and his page on social media, after informing her by his name (Nawras), claiming that he wanted to lure him and hand him over to the police because he was hiding from the police due to financial disputes, and out of the keenness of the accused "Muthanna", who impersonated "Muhammad", to carry out his plans with great accuracy, he provided "Omar" and "Lina" with two SIM cards that he bought from the Zain Link store in Madaba with the intention of communicating with them, "Lina" was able to establish a relationship with the victim "Nawras" by requesting a friendship through Facebook, the victim agreed to her request, and both of them began communicating over the phone, and "Lina" was recording all the calls that took place between them and sending the recordings to the accused "Muthanna" known to her as "Muhammad", later, she met the victim in Al-Rasheed district, near Umaima's residence, and in this

meeting, "Nawras" told her about the murder case and that he is subject to revenge, and most of his talks with her were about the case, after the victim "Nawras" left, she met the accused "Muthanna" and her friend "Omar", she told them what had happened, so they asked her not to believe him and that he was lying to her ,after she told them what he had told her about the murder case, the victim "Nawras" was suspected that Lina was being sent to him by the victim's clan, so he was asking her about her phone line, and in which name it was register, and when she met "Omar", she informed him of this, and he told her that "Mohammed" is a police lieutenant, and asked her to bring information about the victim, "Nawras", according to the agreement, on the day of the accident, which was on (10/10/2017), after the accused "Muthanna" inquired about the date of her meeting with the victim "Nawras", she informed him that she would meet the victim in the afternoon, indeed, "Lina" met the victim in a park near the University of Jordan known as "Al-Huda Park", and while she was sitting with him, the accused, "Muthanna", was communicating with her, and she was moving far from the victim "Nawras" and responding to the accused "Muthanna", meanwhile the accused "Muthanna" was waiting outside the park to implement what he had planned, and asking "Lina" what was happening with her and asking from which door will she leave the park, after that, "Lina" left alone in a taxi, then the victim left in other taxi driven by the witness "Ihab", while the accused "Muthanna" followed the victim's car, and when the taxi that the victim was traveling in arrived the civil defence signals, which was red, the taxi stopped , and the accused "Muthanna" took advantage of this situation, and walked towards the taxi in which the victim was, with a pistol ready to fire, and entered one of them his hands into the front window of the car where the victim " Nawras" was sitting next to the driver, immediately, he fired two shots, one of which hit the victim's head and left a gunpowder tattoo around the wound, then he fled, because of what happened, the taxi driver of lowered his head to avoid the injury, so he was not sure of the identity of the shooter, and after transferring the victim to the hospital, it was found that he had been shot by bullets in the front of the left temporal part of the scalp and exited from the left temporal part of the scalp, and during the course of the bullet's path, it caused fractures in the bones of the skull and ruptures of the brain membranes, and the fire shell led to brain death and haemorrhage under the brain membranes, and these injuries led to his death.

The court considered that the act of the accused constitutes all the elements and elements of the crime of premeditated homicide, in violation of the provisions of Article (328/1) of the Penal Law.

Case 5: Criminal Cassation No. (2772/2021), on (26-Oct-2021):

On (12/7/2019) while "Hisham A" was driving a water tanker, a group of (S) family members attacked him in an attempt to stop him, as there were previous disputes between them and family (A), which led to the death of many members of the two families, and the lawsuits are still pending at the competent court, and when the group attacked the victim, he was forced to get off the main road so that he could escape from them, which led to him colliding with a taxi belonging to a family member (S), he fled towards his father's house, who advised him, after knowing of what happened with the victim, to go to the security centre to file a complaint against these people, as he was accompanied by "Faisal", "Zayd", "Hamza" and "Harith", upon their arrival at the main door of the security centre, a group of family (S), consisting of (15 to 20) people, were near the main door of the security centre, and arrived before them with the aim of submitting a complaint against the victim as a result of his collision with the taxi of "Musa", as group (C) approached the main door when group (A) arrived, a discussion took place between them, as a result, the so-called (H. S) threatened the slain "Hisham" by saying (I swear by God, you will die) in full view and hearing of those present on both sides, a clash took place between the two parties, where (M) hit (Z.A) on the head with a stone, and he was beaten by others on different parts of his body, and they assaulted the victim, and as a result of the stampede, clash erupted inside the security centre square, and during the clash, (H) stabbed the victim with a sharp object (knife) several times, the staff of the security centre intervened and separated the two groups, and when (H) was in the investigation office, he took out the crime instrument and placed it inside an ashtray next to the prison cage, where he was noticed through surveillance cameras, and the crime instrument was seized, the quarrel resulted in the death of "Hisham", and the cause of death was profuse bleeding.

Conclusion

It was observed through this research that the number of premeditated homicides in Jordan for the period from (2017 to 2021) amounted to (511) crimes committed with multiple motives, as the number of crimes motivated by avenge amounted to eight crimes only and constituted (1.6%) of the premeditated homicides,

this indicates a decline in avenge crimes in Jordan. However, clan characters dominate Jordanian society. Avenge is not a social phenomenon but still forms individual convictions for some.

It is also noted that the judiciary has a role in combating avenge crimes and prioritising the rule of law, evidenced by the strictness of the judicial rulings against avenge crimes. At the same time, this type of murder is considered an aggravating crime because of a premeditated circumstance that is punishable by death; where it seems that the strictness of the judiciary with this kind of homicide, even the judiciary's rejection of the whole idea of avenge, is what led to the decline of these crimes in Jordanian society.

However, it is noted that the length of the litigation period in these crimes, as the duration of the trial from the date of committing the crime until the issuance of the final judgment takes from four to five years, which is a long period, as the idea of general deterrence has not been achieved.

References

- Abdul Al-Jawad, M. (2007). *Avenge among the Arabs*. PhD thesis, Assiut University: Egypt.
- Ahmed, S. (2011). *The Motive in Criminal Law*. Al-Wafa Legal Library: Alexandria.
- Mustafa, M. (1983). *Explanation of the Penal Law: General Section*. Cairo University Press: Cairo.
- Al Qadi, M. (2001). *The principle of good faith in the Penal Law*. Dar Al-Nahda Al-Arabiya: Cairo.
- Hessick, C. (2006). *Motive's Role in Criminal Punishment*. *Southern California law review*, 80(1), 89-150.
- Hitchler, W. (1931). *Motive As An Essential Element of Crime*. *DICK. L. REV.* 35 (3), p.105-118.
- Husak, D. (1989). *Motive and Criminal Liability*. *Criminal Justice Ethics*, 8(1), 3-14.
- Hosni, M. (1988). *The General Theory of Criminal Intent*. 3rd edition, Dar Al-Nahda Al-Arabiya: Cairo.
- Criminal Information Department, (2017), *Criminal Statistical Report (2017)*, Public Security Directorate: Jordan.

- Criminal Information Department, (2018), Criminal Statistical Report (2018), Public Security Directorate: Jordan.
- Criminal Information Department, (2019), Criminal Statistical Report (2019), Public Security Directorate: Jordan.
- Criminal Information Department, (2020), Criminal Statistical Report (2020), Public Security Directorate: Jordan.
- Criminal Information Department, (2021), Criminal Statistical Report (2021), Public Security Directorate: Jordan.
- Criminal Cassation No. (22/1979), on (1-Jan-1979), Qistas Publications.
- Criminal Cassation No. (668/2009), on (16-July-2009), Qistas Publications.
- Criminal Cassation No. (1414/2021), on (15-June-2021), Qistas Publications.
- Criminal Cassation No. (2007/2021), on (28-Oct.-2021), Qistas Publications.
- Criminal Cassation No. (323/2021), on (16-May-2021), Qistas Publications.
- Great Criminal Court Decision (946/2018) on (4-March-2019), Qistas Publications.
- Criminal Cassation No. (126/2022), on (1-March-2022), Qistas Publications.
- Criminal Cassation No. (2772/2021), on (26-Oct-2021), Qistas Publications.
- Koegl, C. & P. Farrington, D. (2021). Advancing Knowledge about Motivations for Criminal Offending. *Victims & Offenders*, 17 (3), 313-334.