

## **The Impact of Criminal Dangerousness on Criminal Penalties**

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### **Abstract**

The theory of criminal dangerousness emerged in modern penal policy and has been the focus of criminal legal studies to understand the reasons that drive criminals to commit crimes. The objective is to work to mitigate these reasons through the application of appropriate criminal sanctions adapted to the circumstances of each offender, to rehabilitate them and reintegrate them into society as responsible citizens. Criminal dangerousness is a psychological state or attribute closely associated with the offender, which indicates the possibility of committing another crime in the future. Without a doubt, this topic poses many challenges in terms of the personality, inclinations, emotions, and reactions of the individual, which are reflected in his outward behavior. Addressing the hidden criminal danger in the offender has been achieved through legal texts in which the legislator considers the presence or absence of criminal danger in the authors of the crimes. Additionally, judges have been given discretionary authority to consider the personality of the offender and reveal criminal dangers. Finally, the execution of criminal sanctions in reform and rehabilitation centers also contributes to effectively confronting criminal dangerousness.

**Keywords:** Criminal dangerousness, individualized punishment, discretionary authority, recidivism.

### **Introduction**

Criminal dangerousness is considered one of the most significant changes that have occurred in modern penal policy. It has led to a shift in focus from the crime itself to the perpetrator. This change involves studying the personality of the offender and his social and psychological circumstances, which will ultimately lead to the implementation of an appropriate criminal sanction that aims at reform and rehabilitation (Al-Ayesh, 2019).

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Criminal dangerousness has a significant impact on the field of punishment, as can be seen from the legislative texts established by the legislator. These texts consider the gradation and diversity of penalties, as well as aggravating or mitigating circumstances. This approach is known as individualized legislation. Furthermore, the influence of criminal dangerousness is reflected in the authority granted to judges during the judicial phase to evaluate and choose the appropriate penalty based on the circumstances of the offender and the crime. Furthermore, criminal dangerousness also affects the execution of sentences in reform and rehabilitation centers, where measures are taken to address the individual's criminal tendencies during the rehabilitation process (Al-Jubour, 2009).

The great importance of criminal dangerousness as a theory lies in modern criminal policy, which emphasizes the need to focus on individuals who commit crimes. This involves examining and understanding the reasons that led them to engage in criminal behavior and attempting to address these reasons by determining an appropriate punishment for everyone. The goal is to rehabilitate and reform the offender, making criminal dangerousness theory a crucial aspect of modern criminal justice.

The problematic aspect of the study lies in the fact that criminal dangerousness depends on psychological factors and the underlying inclinations and emotions within a person, indicating the extent of their criminal propensity to potentially commit a crime in the future.

### **Study Questions**

- 1- What is meant by criminal dangerousness in criminal law?
- 2- What is the nature of criminal dangerousness and its characteristics?
- 3- What is the impact of criminal dangerousness on punishment?

### **Study Methodology**

In this study, we will adopt a descriptive and analytical approach that involves examining and analyzing the concepts and procedures related to the topic of criminal dangerousness to clarify its nature and its impact on sentencing. This methodology will lead to several conclusions and recommendations.

### **Literature Review**

The theory of criminal dangerousness emerged in modern penal policy to protect society from the dangerous behavior of criminals by preventing the criminal dangerousness latent in them. Criminal legal studies have shown great interest in this theory, as modern criminal policy requires understanding the reasons that drive

criminals to commit criminal behavior and working to mitigate this danger (El-Manaseer et al, 2024).

Due to its association with human behavior, which is subject to change and variability, criminal dangerousness has been defined differently in criminal jurisprudence, influenced by modern philosophical and punitive theories. Furthermore, it is linked to the personality of the individual and his underlying inclinations, emotions, and reactions, which are manifested in his external behavior (Tonry, 2019). Criminal dangerousness is defined as a psychological state or attribute closely associated with the offender, which indicates the possibility of committing another crime in the future (Al-Qahhaji, 2002). It is also defined as a mental condition that can potentially lead its possessor to commit a future crime (Bahnam, 1996).

One of the most notable definitions in this context is the one provided by Grispeni, who focused on the psychological state of the individual, linking criminal dangerousness to the psychological aspect (Al-Warikat, 2008). According to this perspective, criminal dangerousness is considered a psychological deviation resulting from the interaction of various personal and objective factors. Based on this approach, criminal dangerousness is defined as the ability of an individual to become a potential perpetrator of a crime. It is also linked to the concept of criminal punishment, which leads to the imposition of sanctions on the individual in case of an actual violation of the law (Al-Ayesh, 2019).

Therefore, criminal dangerousness manifests itself in the psychological aspect, within the mental state of an individual, traits, and ordinary circumstances that can lead him to become the author of a crime. From a legal perspective, it is characterized by the existence of an illicit situation in an individual that results in a criminal sanction.

From the previous definitions the definition of criminal dangerousness in this perspective focuses on the psychological state of the individual without any biological or social cause acting as a reason for the formation of criminal dangerousness in him. This approach remains limited in distinguishing criminal dangerousness from other psychological disorders such as hysteria and delirium.

Supporters of this approach argue that criminal dangerousness is formed due to the social factors surrounding the individual and his inability to adapt to society. In other words, whenever the individual possesses the ability, combined with a lack of adaptation to the social environment due to the influence of environmental conditions and circumstances, he inevitably commits a crime. One of the defenders of this perspective is the Italian judge Rafael Garofalo, who defined criminal dangerousness as "the signs of permanent and active corruption apparent in

the criminal, determining the amount of evil that can emanate from him." capacity and the degree of his responsiveness to society " (Sorour, 1964).

It is observed that criminal dangerousness is based on the interaction between the criminal capacity of the offender and his ability to respond to society. However, some maintain that there is no strict requirement for a constant correlation between changes in these two elements (Sadeq, 1991). Each element can exist independently of the other, and these factors are relative as they vary from one person to another.

As for Arab jurists, some of them adopted the psychological approach to define criminal dangerousness. They defined it as a state present in an individual that indicates a clear propensity to commit a crime or commit it again (Sorour, 1964). On the other hand, some other jurists did not explicitly adopt either the psychological or the social approach when defining criminal dangerousness. They defined it as the probability that the offender will commit a subsequent crime (Obaid, 2013).

Criminal dangerousness is a psychological state that develops within an individual because of the convergence of personal and objective factors, placing him in a clear position that indicates the probability that he will commit a crime in the future (Shallal, 1980). It is a description of the psychological condition of the offender, which can be discerned through his behavior and actions, especially at the time of committing his crime (Namur, 1997). The nature of criminal dangerousness has been the subject of disagreement among jurists. Some argue that criminal dangerousness is a psychological state, that is, it is linked to the psychological aspect of the individual, and that a person becomes dangerous to the extent that they exhibit deviations in their mental condition.

This type of deviation in the psychological aspect is called "dangerous psychological deviation", distinguishing it from other types of deviation that cannot necessarily lead to the formation of a criminal personality. Not all deviations of the psyche necessarily lead to a criminal inclination or disposition in a person, which leads to the conclusion that in such cases criminal dangerousness may not be present (Tonry, 2019). A psychological state characterized by certain deviations is not always synonymous with a state of danger, but it can be considered one of the factors that can lead to criminal dangerousness (Azer, 1986). Another perspective among jurists is that criminal dangerousness is a combination of personal and objective factors that, when put together, lead to the emergence of a state of danger (Namur, 1997).

Therefore, the essence of criminal dangerousness can be attributed to the predominance of the motivations that incline an individual to commit a crime over the obstacles that deter him from doing so. Psychological and environmental factors

surrounding the individual play an important role in strengthening the motive or weakening the deterrent within that person.

An individual may have a general inclination to commit any type of crime, and in that case, criminal dangerousness is considered a general danger. Alternatively, this inclination may be towards the commission of specific crimes or a particular type of crime, and in this situation, the criminal dangerousness is qualified as specific (Hassani, (1964). The implication of criminal dangerousness is not limited to the commission of a specific crime, but rather reveals the possibility of committing any crime, regardless of its nature or severity (Al-Jubour, 2009).

Criminal dangerousness is a state that is related to the individual and his or her personality and exists within him. It is not directly related to the criminal incident itself, as the individual's personality is influenced by a combination of internal, external, and social factors that interact with each other to form their character.

#### **Characteristics of criminal dangerousness and its sources**

Criminal dangerousness is characterized by a set of characteristics that distinguish it. In addition, it has sources represented by the factors that contribute to its emergence. We will discuss these two topics in order.

#### **Characteristics of Criminal Dangerousness**

Criminal dangerousness is characterized by several essential features, which can be summarized as follows:

##### **a. Criminal dangerousness is a personal state.**

Criminal dangerousness is a personal state that is related to the criminal individual and does not depend on the criminal act itself. Being a personal condition, it does not depend on the will or intention of the person. This is evidenced through the internal and external factors that come into play, without being under the control of the individual. For example, mental illness is one of those factors that can contribute to criminal dangerousness (Mohammed, 2006). Consequently, criminal dangerousness does not contribute to the formation of the crime; It is not an element of the crime itself. Rather, it is a personal characteristic of the individual, which does not necessarily imply that a crime will occur. It is a description that corresponds to the perpetrator, while the element of dangerousness is considered part of the components of the crime if it is linked to its material aspect. The danger is distinguished by its material nature and therefore is a description that is also associated with the result or outcome (Shallal, 1980).

**i. Criminal dangerousness is a psychological state and a mere possibility.**

The term "psychological" implies that criminal dangerousness is attributed to psychological factors that exist in the subconscious mind, directing the individual's behavior toward criminality without his or her knowledge or understanding. People who suffer from this condition can be treated through various psychological approaches, leading to their recovery and reintegration into society, free of criminal behavior (Arem, 1962). It is important to note that the psychological state we are referring to here is the abnormal mental condition that leads to the formation of criminal dangerousness since not all individuals with psychological abnormalities necessarily commit crimes.

Criminal dangerousness considered as a mere possibility of committing a crime serves as a criterion to identify the potential danger within a criminal individual. This becomes evident when examining various factors that could lead to criminal behavior, whether internal factors related to the mental, physical, or psychological makeup of the individual or external factors related to the social environment surrounding the individual and its role in shaping a causal relationship. A sequence that may result in future criminal acts (Anwar, 1971). It is important to differentiate between possibility and certainty. Possibility is the assumption that there are factors that may drive someone to commit a crime, whether internal or external. On the other hand, certainty means a definitive belief that the crime will occur as an inevitable consequence of the criminal factors that caused it.

**ii. Criminal dangerousness is a real condition and a relative concept.**

Being based on real circumstances of criminal dangerousness means that it arises from tangible and real conditions and is indicated by clear and effective signals. Simply relying on suggestions, speculation or assumptions is not enough (Sorour, 1964). As for the concept of relative criminal dangerousness, it means that it depends on the social conditions prevailing at the time of its existence since it threatens the social order prevailing in a particular country. It varies from one society to another depending on the differences in the existing social system within each society. What may be considered dangerous in one society may not have the same weight as danger in another society. Similarly, regarding an individual's circumstances, some may present criminal dangerousness in their case, while the same may not be the case for another person.

**iii. Criminal dangerousness is an involuntary state.**

That means that the individual's will has no role in it, and the factors that lead to it have no relation to the individual's intentions. These factors may include unfavorable environmental conditions surrounding the individual. The law always considers the state of danger itself regardless of the reasons that motivated it.

**b. The sources of criminal dangerousness**

The term "sources of criminal dangerousness" refers to the factors that contribute to its development within an individual, creating the driving force and weakening the inhibiting factors. These sources can be attributed to the following factors:

**i. Personal factors**

This factor refers to the individual's natural constitution and the traits inherited from his ancestors, as well as his gender and any physical ailments he may have. It also includes the physical aspects of him, such as the external and internal organs, particularly the nervous system, in addition to considering his age and marital status. In addition, it takes into account the individual's tendency or addiction to consume alcoholic beverages or drugs (Al-Ayesh, 2019).

The importance of these factors lies in their ability to produce the most dangerous criminals in society, including those who have criminal tendencies by nature, habitual criminals, and professional criminals.

**ii. Social factors**

It refers to the human environment surrounding the individual and its influence on the formation of her character with the presence of conditions that lead to criminal behavior or challenging psychological circumstances, such as negative role models. This is done through the study of their family life, especially their parents, their school, the conditions of the neighborhood in which they live, their socioeconomic and cultural environment, and their professional life (Bahnam, 1995). By identifying all these social factors, the social integration of the person and the interaction with the community in which they live are determined. Furthermore, these factors give rise to a type of criminal known as "accidental criminals", who carry out criminal behavior under the influence of exceptional external circumstances that cannot be predicted in advance. They are considered less dangerous than other categories of criminals.

**iii. Natural factors**

These factors include the physical environment surrounding the individual, such as weather conditions, geographic characteristics of the area, and humidity levels. It has been observed that there is a clear correlation between the crimes committed and the natural environment (Obaid, 1985).

**The impact of criminal dangerousness in the field of punishment**

The impact of criminal dangerousness in punishment. The law usually stipulates different penalties for each criminal offense depending on ordinary

circumstances. Individualized punishment is considered one of the essential punitive methods adopted by penal thought to address the deficiencies resulting from the principle of absolute equality in treating all offenders equally.

The concept of individualized punishment refers to the differentiation of penalties based on the circumstances, conditions, and nature of the offender, intending to rehabilitate the offender. As a result, there are three forms of individualized punishment: legislative, judicial, and executive. Legislatively, the legislator establishes a range of penalties with different degrees depending on the circumstances of each crime. This is achieved by setting minimum and maximum penalties and specifying aggravating and mitigating factors in the sentence.

Judicially, individualized punishment occurs when the judge considers the personality of the offender, as well as the type and severity of the crime committed when issuing a guilty verdict. The executive form of individualized punishment empowers the competent authorities responsible for carrying out the punishment to determine the appropriate treatment and corrective measures for each person sentenced to a custodial sentence. This is done under classification procedures and based on the observed behavior of the offender during the enforcement period (Al-Jubour, 2009).

Certainly, we will discuss the effects of criminal dangerousness in each of these three stages:

**a. The impact of criminal dangerousness in the field of punishment in the legislative stage**

By the principles of legality and in pursuit of social justice, security, and stability of humanity, the legislator strives to establish clear and specific laws that define crimes and their elements. Subsequently, appropriate penalties are determined based on the seriousness of the crimes, considering both the principles of justice and the level of danger of the perpetrator. It is not enough for the legislator to predetermine the type and scope of the penalty for each crime to ensure the desired objectives of direct punishment. Rather, punishment should be tailored as far as possible to the circumstances of each offender and their specific conditions. This is because criminals vary in their capacity for choice, responsibility, and the level of criminal danger they represent.

The level of criminal dangerousness must be considered when determining what penalties or measures are appropriate for each offender and the extent thereof. These considerations cannot be predetermined by the legislator, as they necessarily differ or vary for each offender based on his or her unique circumstances or the circumstances of his or her crime. For this reason, the legislator must establish flexible systems that allow the judge, when applying the sentence, or the authority



responsible for its execution, to make the sentence proportional to the specific situation and circumstances of each offender.

By implementing such flexible systems, the legislator aims to ensure that punishment is appropriate to individual circumstances, considering the uniqueness of each offender and her specific conditions (Al-Fadhil, 1973). The severity of the punishment, both in type and scope, depends on the level of criminal dangerousness. The more aggravating factors that are present in the criminal act, the higher the level of danger in terms of severity. That is, there is a directly proportional relationship between the seriousness of the crime and its aggravating circumstances (Namur, 1997).

Aggravating circumstances are the objective and personal conditions and actions that may or may not affect the severity of the penalty for the crime committed (Neshat, 1998). Likewise, criminal dangerousness is assumed in the case of recidivism, which can be defined as "committing a crime despite having previously been convicted of a crime or crimes (Khalef, 1986)". Recidivism is considered an aggravating circumstance of the sentence since it reveals an inherent criminal danger of the perpetrator. Despite having been convicted of a previous crime or crimes, the individual did not reform and committed another crime, meriting a stricter punishment to eliminate his criminal dangerousness.

In the Jordanian Penal Code, provisions regarding recidivism are set out in articles 101 and 102, with a distinction between whether recidivism is a serious crime or a misdemeanor. For serious crimes, the penalty for the second offense is doubled, provided that the increase does not exceed twenty-five years. For minor crimes, the penalty is also doubled, but the increase should not exceed five years (Alsouri & Saleh, 2019).

The Jordanian legislator has introduced the electronic monitoring system as a modern alternative punishment to custodial sentences through amendments to the Penal Code and the Code of Criminal Procedure. According to article 25 (reiterated) of the Penal Code, this system can be imposed as an alternative to prison, consisting of subjecting the convicted person to electronic monitoring for not less than one month nor more than one year, based on a report from the social situation. This system can be applied to both minor crimes and certain serious crimes that do not cause harm to people if the penalty does not exceed one year (Alsouri & Saleh, 2019).

The punishment prescribed for a crime must be proportional to its severity, ensuring justice and satisfying citizens' sense of justice. The legislator must consider society's reaction to the crime and its perpetrator. When setting a penalty, the legislator considers the convicted person as an isolated entity and establishes a

penalty that corresponds to the seriousness of the act committed, intending to achieve the intended goals. However, these purposes cannot be fully realized unless not only the seriousness of the act but also the danger represented by the offender and his responsibility are considered. Herein lies the importance of empowering judicial and executive authorities to achieve differentiation in punitive measures based on individual circumstances. This principle is known as the principle of individualization of punishment (Al-Ahmad, 2022).

Through legislative texts and criminal laws, the legislator establishes provisions that consider the different factors related to the circumstances of the offenders and the seriousness of their criminal conduct. This is achieved by establishing minimum and maximum penalties, differentiating between attempted and completed crimes, considering cases of multiple crimes, recidivism (recidivism) and mitigating or aggravating circumstances, as well as legal justifications. The judge then selects the appropriate punishment based on this diversity provided by the legislator; a process known as legislative individualization.

#### **b. The impact of criminal dangerousness in the field of punishment in the judicial stage**

The legal texts established by the legislator regarding the means of individualization are general and abstract, detached from the reality that only the criminal judge can perceive. The criminal judge is the one who fully knows all the facts, circumstances, and details surrounding the crime and the offender. They can assess the nature of the offender, the degree of dangerousness, and his or her potential for reform and rehabilitation. Therefore, achieving true equality becomes the responsibility of the criminal judge, who has discretionary power to determine the appropriate penalty for the crime and the criminal (Abu Khattoua, 1991). The ordinary authority of the criminal judge to hand down a sentence lies in the extent to which the law allows him to choose the type of sentence and determine its severity within the specific range defined for each crime individually. The authority of the judge to determine the penalty is proportional to what the legislator establishes as a fixed or relative amplitude for the range that separates the minimum and maximum penalty and is also related to the various types of penalties available for each crime, which the judge can choose. and exchange (Neshat, 1998).

When the judge evaluates the appropriate sentence for the offender, it is based on various factors found in the criminal's judicial history, his morals, his environment, his psychological and neurological condition, and his physiological constitution. All these factors reveal his criminal predisposition and the extent of his criminal dangerousness, which has become the standard for the application of

criminal sanctions. Judicial individualization is understood to mean the individualization that the judge issues when he intends to issue a conviction, and it is based on the basis that the true stage to achieve individualization is the stage of issuing the sentence, not the stage of drafting the sentence. legislative text and takes into consideration the personality of the offender in addition to the type and severity of the crime committed, and the criminal dangerousness that it reveals. The judge has broad authority to choose the type of sentence and to graduate the amount of it, in addition to his authority to go beyond the specified scope mainly towards aggravation or mitigation (Al-Ahmad, 2022).

The judge also has the authority to pronounce a verdict of conviction and suspend the execution of the sentence if the conditions specified by the court are met, in cases of serious crime or misdemeanor punishable by imprisonment or imprisonment for a period not exceeding one year. The judge may order the suspension of the sentence if he considers, based on ethics, past behavior, age, or circumstances in which the crime was committed, that it is not likely that the convicted person will re-offend (Alsouri & Saleh, 2019).

Criminal risk also constitutes an essential condition for the imposition of precautionary measures, since the implementation of the measures depends on the presence or absence of criminal risk (Bani Eissa et al., 2002). These precautionary measures are of various types, and the diversity of these measures is attributed to the various forms and degrees of criminal risk, requiring appropriate measures to address each form or degree.

### **c. The impact of criminal dangerousness in the field of punishment in the executive stage**

Modern penal policy tends to grant the competent administration in charge of carrying out the sentence the necessary authority to determine the appropriate punitive treatment for everyone sentenced to prison, based on classification procedures and in light of his or her behavior and conduct observed during the execution period (Neshat, 1998). Rule 67 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted during the First United Nations Congress on the Prevention of Crime and Treatment of Offenders on August 20, 1955, states that "the purposes of classification of prisoners will be: A - Separate prisoners who may have a bad influence on their peers due to their criminal past or bad morals; B - Classify prisoners to facilitate their treatment with a view to their social reform and rehabilitation (Al-Jubour, 2009).

"Some countries adopt the system of parole, which is defined as the release of a convicted person before the completion of their full sentence, subject to certain conditions that restrict their freedom. These conditions include obligations imposed

on them and a suspension of their conditional release upon compliance with these obligations (Hossni, 1973). This procedure is applied when it is considered that the criminal dangerousness of the convicted person has ceased."

The Jordanian Prison Law contains provisions indicating the impact of the absence of criminal dangerousness on sentencing. For example, Article 34 states: "Reformation and rehabilitation centers must take necessary measures to encourage prisoners to improve their behavior, allowing a prisoner sentenced to imprisonment of one month or more, detention or hard labor to be placed in freedom if he has served three months in prison". quarters of his sentence" (Hossni, 1973). Furthermore, article 35 states that "the minister, based on the recommendation of the director, may decide to release a prisoner sentenced to life imprisonment for hard labor if he has demonstrated good behavior and completed twenty years (Al-Billeh, 2022).

Similarly, as stated in article (11) of the Law on Correctional and Rehabilitation Centers, it is necessary to separate detainees from convicted persons and classify them according to age, type of crime, and its level of severity. Ideally, the implementation of punitive measures for offenders should involve a set of punitive treatment methods that aim to guide them toward the desired goals. If the main objective of punitive implementation is to rehabilitate the convicted through discipline or treatment, then one of the most important fundamental principles in the punitive treatment of offenders is to strip the punishment or measure of its punitive nature and aim for reform. Criminals are now seen primarily as a social problem that requires solutions through treatment and evaluation rather than simply meeting punishments (Al-Billeh, 2022).

It is worth mentioning that establishing the existence of criminal dangerousness is a relatively challenging matter, and its determination is left to the discretion of the criminal judge based on his conscience and several factors. These factors include the personality of the offender, his or her criminal preparation, the likelihood of committing future crimes, as well as the type of crime committed, and the criminal history and social circumstances of the offender.

## **Results**

- 1- Modern criminal policy has adopted the concept of criminal dangerousness intending to develop criminal legislation that is better able to defend society, preserve the rights of citizens, and achieve social security.
- 2- The judge is the entity most familiar with the personality of the offender and is best equipped to choose the appropriate criminal sanction to protect both society and the offender for his rehabilitation and reintegration, given the discretionary power available to the judge in this regard.

## **Conclusion**

Through this study, it becomes evident that the concept of criminal dangerousness has acquired significant importance in jurisprudence. Most modern criminal legislations have adopted it as a condition that exists within an individual, revealing the extent of his criminal predisposition, that is, the probability of him committing a crime in the future. Criminal dangerousness is attributed to the natural constitution of an individual, their characteristics, and their psychological aspects. It is also influenced by social factors, which refer to the social environment in which they live and the impact of economic, cultural, and professional aspects. Furthermore, we should not overlook natural factors, including the physical environment they inhabit, such as nature, terrain, and climate.

Without a doubt, criminal dangerousness has a significant impact in the punitive sphere, both in the legislative sphere and through the texts established by the legislator, taking into consideration the dangerousness of the perpetrator of the crime. It also affects the judicial stage, where the judge has discretionary power to impose the appropriate sentence. Furthermore, it influences the stage of execution of the sentence by granting the competent administration the necessary authority to determine the appropriate punitive treatment for each person sentenced to deprivation of liberty.

## **Recommendations**

- Facing criminal dangerousness requires the collaboration of the legislator when formulating legal texts, of the judge when applying these legal provisions and imposing the appropriate punishment to the offender, and of the penal institution responsible for executing criminal sanctions. Each part complements the other, requiring cooperation and exchange of views between all these stakeholders in joint workshops to produce practical and implementable recommendations.
- The judge has discretionary power to determine punishment based on several factors that collectively constitute the offender's situation. These factors include criminal history, environment, ethics, psychological and neurological status. All of these aspects require full knowledge and understanding of a wide range of natural and psychological sciences. This complexity makes it difficult for the judge to understand them all, requiring the establishment of specialized assistance to help the judge make informed decisions about appropriate sentences.

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