

Research Article

THE ROLE OF CRIMINAL RECONCILIATION IN ACTIVATING RESTORATIVE JUSTICE IN JORDANIAN, EMIRATI, AND FRENCH LEGISLATION (AN ANALYTICAL LEGAL STUDY)

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ABSTRACT

Background: The study investigates how restorative justice in France, the United Arab Emirates, and Jordan is triggered by reconciliation. With an emphasis on social cohesion and justice, criminal reconciliation aims to address crime through alternative means. To address the shortcomings of conventional criminal justice, this study looks at negotiated justice in these nations. It places a strong emphasis on defending people's rights and mending the victim-offender bond. Punitive measures are subordinated to compensatory justice.

Conciliatory justice has replaced traditional punitive measures in the criminal justice systems of the United Arab Emirates, Jordan, and France. Due to the ineffectiveness of traditional punitive measures for minor offences, parties are now able to settle their differences outside of the legal system. An alternative to reconciliatory justice, criminal reconciliation attempts to settle disputes amicably by addressing the repercussions of the crime, making amends, reintegrating offenders, and fostering social harmony.

Methods: The study utilised descriptive, analytical-inductive, and comparative methods to analyse legal aspects of criminal reconciliation in three countries. The analytical-inductive method collected and examined data, the comparative method contrasted legal texts, and the descriptive method described the phenomenon.

Results and conclusions: Jordanian, Emirati, and French legislations should establish an arbitral system for criminal reconciliation, allowing accused individuals to plead for specific crimes. Repeat offences should be addressed with legal action, and criminal reconciliation should lead to the expiration of criminal claims, including social services and therapy.

1 INTRODUCTION

In the 1990s, the French judiciary implemented a system of criminal reconciliation, allowing the public prosecutor to end criminal proceedings by reaching a settlement between the accused and the victim.¹ This system, rooted in French legislative systems, is deeply rooted in Arab culture and history, dating back to the early Islamic ages.

This topic is important for preventing crime and addressing the needs of both the perpetrator and the victim. Restorative justice offers an alternative to criminal litigation, saving time and resources. It also reduces the burden on the judicial system, which is overwhelmed by increased criminal cases.

Restorative justice promotes reconciliatory justice by avoiding punishment for the accused and involving the victim in determining the resolution of the criminal claim. This approach reduces prison overcrowding, allows for rehabilitation efforts, and strengthens social relationships within the community.

Traditional criminal policy is mainly focused on the concepts of crime and punishment, relying essentially on identifying crime and imposing suitable punishment. However, as a product of the modern era, this policy has failed to address the criminal phenomenon. The increase in criminal activity, slow criminal justice proceedings, and prison overcrowding have all contributed to the necessity of transitioning to restorative or reparative justice in resolving the crisis of traditional criminal justice.

Penal reconciliation plays a crucial role in restorative justice by addressing the challenges within the criminal justice system and offering benefits to all parties involved. Its importance is evident in the promotion of restorative justice and reconciliatory punishment in Jordanian, Emirati, and French legislation.

This study explores criminal reconciliation as an alternative to litigation in Jordan, the UAE, and France, highlighting its importance in crime prevention, defendant-victim plea bargaining, and its impact on criminal procedures. Accordingly, the study seeks to address the following questions:

What is the relationship between the system of restorative justice and criminal reconciliation, and their legal nature? How has the system of criminal reconciliation evolved in the context of negotiated restorative justice? What is the scope of criminal reconciliation, its parties, and conditions in the Jordanian, Emirati, and French legislation? What is the role of criminal reconciliation during various stages of criminal proceedings in the settlement of criminal litigation?

1 Lazhar Khechana and Karima Berni, 'Penal Conciliation as an Alternative to Recovery of Smuggled Proceeds of Crime' (2023) 34(3) *Journal of Human Sciences* 437.

2 METHODOLOGY

The study examines criminal reconciliation in France, the United Arab Emirates, and Jordan using an analytical and comparative methodology. It explores these laws' rules, definitions, applications, and legislative frameworks. In addition to reviewing important legal terminology and court rulings, the analysis looks at how criminal reconciliation contributes to implementing restorative justice in these nations.

The vertical comparative approach highlights disparities and potential areas for development by comparing the criminal reconciliation laws of France, the United Arab Emirates, and Jordan. Legal definitions, scope, jurisprudential opinions, roles, courts, and reconciliation effects are all included. Legislative and data analysis are combined with both strategies to determine how well each system handles restorative justice and criminal reconciliation.

This study explores the legal nature of the restorative justice system and criminal reconciliation, focusing on its historical development, scope, parties, and conditions in Jordanian, UAE, and French legislation. It also examines the effects of criminal reconciliation on criminal litigation, drawing conclusions and recommendations.

3 RESTORATIVE JUSTICE AND CRIMINAL RECONCILIATION: NATURE AND LEGAL CHARACTERISTICS

Criminal reconciliation within restorative justice is characterised by its voluntary nature, where both the offender and the victim engage in the process willingly.² It typically involves a neutral facilitator or mediator who helps both parties communicate and reach an agreement. The process focuses on repairing harm and restoring relationships rather than punishing the offender. It is designed to be an alternative to traditional criminal trials, with the aim of achieving a resolution that addresses the needs of the victim, holds the offender accountable, and fosters reconciliation. This system strongly emphasises healing, dialogue, and understanding between the parties, promoting a more restorative approach to justice.³

2 Maryam Sami, 'Restorative Justice in Financial and Business Crimes: Criminal Conciliation and Mediation as a Model' (master's thesis, Faculty of Law and Political Science, Ibn Khaldoun University 2021) 24.

3 Daniel W Van Ness and others, *Restoring Justice: An Introduction to Restorative Justice* (Routledge 2022) doi:10.4324/9781003159773.

3.1. Historical Development of Restorative Justice and Criminal Reconciliation

Restorative justice is an age-old concept practised across diverse cultures, including Aboriginal peoples, Native American tribes, and communities in the Middle East, Europe, and Asia. Traditions of Arabs, Romans, Greeks, Hindus, and Buddhists all embraced restorative principles, making it a fundamental aspect of societal customs in ancient civilisations.⁴

Ancient communities resolved disputes through reconciliation and mediation, focusing on restoring rights to their original state. These methods were widely practised throughout history and persisted in various forms until the twentieth century.⁵

The historical roots of the criminal reconciliation system date back to the accusatory system, which dealt with criminal disputes as ordinary disputes, consisting of two parties: the complainant (the victim) who suffered from the crime and the defendant (the accused) who committed the crime. According to the accusatory system, filing a criminal lawsuit or waiving it was at the victim's discretion.⁶

Ancient Greek and Roman legal systems influenced the development of individual justice systems that combined criminal and civil procedures to ensure justice and fair compensation for victims. In these systems, both the plaintiff and defendant present their evidence and arguments to the judge, who evaluates the case and issues a ruling based on the presented information.⁷

Anglo-Saxon legal systems permit victims to file criminal lawsuits directly with the judiciary, allowing them to determine the outcome by accepting or rejecting a settlement, a right not available to a judge without the authority to offer a settlement.⁸

In the adversarial system, criminal disputes occur between the accused and the public prosecutor, who represents the interests of the public. The public prosecutor initiates the lawsuit, presents evidence, and conducts proceedings confidentially. In contrast,

4 Muhammad Asadullah, 'Decolonization and Restorative Justice: A Proposed Theoretical Framework' (2021) 3(1) *Decolonization of Criminology and Justice* 27, doi:10.24135/dcj.v3i1.25.

5 Douglas Hurt Yarn, 'Evolution and Dueling Dispute Processing' (2023) 44(3) *Evolution and Human Behavior* 272, doi:10.1016/j.evolhumbehav.2023.02.007.

6 George Pavlich, 'Rethinking Accusation: Comparing Two Formative Restorative Justice Promises' in Theo Gavrielides (ed), *Comparative Restorative Justice* (Springer Cham 2021) 26-7, doi:10.1007/978-3-030-74874-6_2.

7 Rita Kohli, Elizabeth Montaña and Damany Fisher, 'History Matters: Challenging an A-Historical Approach to Restorative Justice in Teacher Education' (2019) 58(4) *Theory into Practice* 379, doi:10.1080/00405841.2019.1626613.

8 Jawaher HS Al Jubour and Ahmed MM Hayajneh, 'Judicial Reconciliation as a Cause for the Expiration of Public Prosecution: Comparative Study' (doctoral thesis, University of Jordan 2017) 15.

modern legal systems widely incorporate restorative justice as a comprehensive alternative for resolving criminal disputes. This approach emphasises justice by involving victims, offenders, and their families in voluntary solutions to repair harm and promote societal well-being.⁹

Since 1791, the French legal system has accepted criminal settlements in customs cases, although at first, they only applied to offences. The basis for criminal settlements in Latin legal systems was laid by the French Customs Law of 1971. The nature of these settlements is up for debate among academics; some see them as administrative penalties, while others see them as civil contracts. Settlements prioritise voluntary consent and judicial supervision, and victims play an active role.¹⁰

The Jordanian and Emirati legislations adopt a system of penal reconciliation influenced by Arab Islamic cultural traditions. This promotes social peace and harmony, combining legal and social considerations to resolve conflicts arising from crime.¹¹ Modern legislation in Jordan and the UAE adopts penal reconciliation to maintain social harmony and justice while preserving victim interests and reducing the burden on the judiciary, allowing them to focus on serious crimes.¹²

3.2. Conceptual Convergence of Restorative Justice and Criminal Reconciliation

Restorative justice engages the community and victims in resolving disputes outside courts, allowing parties to reach a compromise at any stage—during investigation, trial, or even after judgment.

French law is a model for Latin legislation that applies criminal reconciliation, which is the basis for most Arab legislation. Reconciliation leads to the dismissal of criminal cases in the initial and final stages, and after a final judgment, punishment for legally permissible crimes is suspended. This philosophy encourages informal dispute resolution and dismissal.¹³

Reconciliation is an agreement between conflicting parties based on positivity and acceptance, leading to the termination of criminal litigation or suspension of the penalty.

- 9 Belqasem Souieqat, 'Reconciliatory Justice Between Opposition and Support' (2018) 10(19) Journal of Politics and Law Notebooks 184.
- 10 Robert Cario, 'The Impact of Victimological Theories on the Rights of Crime Victims in France' (2014) 2(1) International Journal on Criminology 46, doi:10.18278/ijc.1.2.5.
- 11 Abdullah Aqtaish, 'Criminal Reconciliation Theory in Islam: A Comparative Jurisprudential Study' (master's thesis, Graduate Studies College, An-Najah National University 2022) 26.
- 12 Ahmad Alhajri and Abdulellah Al Nawayseh, 'The Impact of Criminal Reconciliation on the Conduct of Criminal Proceedings in the UAE Legislation: A Comparative Study' (2024) 21(2) University of Sharjah Journal of Legal Sciences 35, doi:10.36394/jls.v21.i2.2.
- 13 Maryam Ahmed Saleh Al Saadi, 'Criminal Reconciliation and Its Impact on Public Prosecutions' (master's thesis, Sultan Qaboos University 2017) 8.

Notably, the criminal procedural laws in the UAE, Jordan, and France do not define this term but outline its provisions and applications.¹⁴

However, civil law in both Jordan and the United Arab Emirates, as well as French civil law, provides a definition of civil reconciliation. In French civil law, reconciliation is defined as “a contract by which two parties end a dispute or prevent a dispute from arising by each party relinquishing part of their demand, reaching a compromise and concluding an agreement.”¹⁵ However, the legislative absence of the term criminal reconciliation has led some jurists to define it as “the meeting of the wills of the accused and the victim to end the criminal litigation in an amicable manner.” Others define it as “an exceptional consensual procedure reached through an agreement between the victim and the perpetrator of the crime aimed at withdrawing the accusation in the crime.”¹⁶

Criminal reconciliation is a legal mechanism that aims to settle criminal disputes peacefully between victims and perpetrators, involving negotiation and a written agreement compensating the victim for the harm caused by the crime.¹⁷

3.3. Legal Nature of Restorative Justice and Criminal Reconciliation

The criminal reconciliation system, an exceptional procedural system in Jordan, the UAE, and France, dismisses criminal complaints, assuming public prosecution is the custodian and cannot obstruct its course.¹⁸

Some legal scholars view reconciliation between the administration and the accused as a legal act that reflects the will of the party acting towards legal facts and their consequences rather than focusing solely on the incident itself. Unlike narrow legal actions, it focuses on intent rather than outcomes. According to this perspective, criminal reconciliation is a

14 Jordanian Civil Law no (43) 1976, art 647 <<https://www.wipo.int/wipolex/en/legislation/details/2612>> Accessed 5 February 2025; Federal Law of UAE no (5) of 1985 ‘Concerning the Issuance of the Civil Transactions Law of the United Arab Emirates’, art 722 <<https://uaelegislation.gov.ae/en/legislations/1025>> Accessed 5 February 2025.

15 French Civil Code 1984 (Amended 14 September 2024) art 2044 <https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070721/1804-03-25> Accessed 5 February 2025.

16 Sami (n 2) 24-5.

17 Comparative legislation uses different synonyms for the term “reconciliation,” such as “conciliation” and “forgiveness.” In France, the legislator also uses it in several meanings such as: reconciliation, concordat, transaction, and compromise.

18 Jordanian Criminal Procedure Law no (9) 1961, art 2 <<https://www.iclc-law.com/ar>> Accessed 5 February 2025; Federal Decree-Law of UAE no (38) 2022 ‘Promulgating the Criminal Procedures Law’, art 10 <<https://uaelegislation.gov.ae/en/legislations/1609>> Accessed 5 February 2025; Loi (France) n 2004-204 du 9 mars 2004 ‘Portant adaptation de la justice aux évolutions de la criminalité’ (Amended 1 January 2025) art 6 <<https://www.legifrance.gouv.fr/loda/id/JORFTEXT00000249995>> Accessed 5 February 2025.

unilateral legal act by the accused, who has the right to accept or reject it—ultimately leading to the dismissal of the criminal case.¹⁹

Some proponents of French jurisprudence classify criminal reconciliation as a civil contract based on Article 2044 of the French Civil Code. They regard reconciliation as a voluntary procedural act that can only be concluded with the consent of both parties.²⁰ From this perspective, criminal reconciliation is akin to civil reconciliation, serving as a mutual agreement to resolve disputes. However, others consider it a contract of submission, particularly in the context of economic crimes. French jurist Sallier argues that such contracts reflect one party's unilateral dominance, imposing its will not on an individual but on an indefinite group.²¹

Criminal jurisprudence views criminal reconciliation in economic crimes as an administrative penalty²² aimed at reducing punishment and avoiding judicial procedures, while its supporters argue it constitutes a form of legislative license.²³

4 SCOPE, PARTIES, AND CONDITIONS OF CRIMINAL RECONCILIATION IN JORDANIAN, EMIRATI, AND FRENCH LEGISLATION

4.1. Scope of Criminal Reconciliation

Jordanian law permits penal reconciliation for a range of crimes, including assault, defamation, property damage, and minor economic crimes. This allows issues to be resolved without resorting to full judicial procedures, offering an alternative means for dispute resolution and justice outside formal court processes.²⁴

UAE legislation permits reconciliation for various misdemeanours and violations, including refusal to pay alimony, bodily harm, abortion, secret disclosure, trust breach, property misappropriation, embezzlement, and property rights violations.²⁵ It also permits

19 Al Saadi (n 13) 27.

20 Ali Abdul-Jabbar Rahim Al-Mashhadi, 'Civil Liability for the Damage of the Corona Vaccine According to the Decisions of the French Court of Cassation' (2022) 2(2) Akkad Journal of Law and Public Policy 24, doi:10.55202/ajlpp.v2i2.131.

21 Yamina Bellman, 'Contracts of Adhesion and Consumer Protection' (2019) 30(2) Journal of Human Sciences 103.

22 Abdul Samee Ahmed Al-Tair, 'Reconciliation as an Alternative to Criminal Prosecution under the System of Restorative Justice (A Comparative Study)' (2024) 1(24) Al-Qurtas Journal for Human and Applied Sciences 247.

23 *ibid.*

24 Jordanian Penal Code no (16) 1960, art 52 <<https://www.wipo.int/wipolex/en/legislation/details/15077>> Accessed 5 February 2025.

25 Federal Decree-Law of UAE no (31) 2021 'Promulgating the Crimes and Penalties Law', arts 382(1), 390, 394, 403, 432(1), 433, 453, 454, 464, 465, 468, 473 <<https://uaelegislation.gov.ae/en/legislations/1529>> Accessed 5 February 2025.

reconciliation for certain more serious offences, such as child abduction and kidnapping occurring within the family, concealment of stolen items, and crimes where the public prosecutor can reconcile.²⁶

Furthermore, the Emirati Anti-Rumour and Cyber Crimes Law permits reconciliation for various offences, including electronic breaches,²⁷ assault on personal data,²⁸ unauthorised access, fake email fabrication, slander, defamation, and confidential information disclosure, with first-time offenders facing up to one year imprisonment.²⁹

The French legislature has established criteria for the application of penal conciliation, including the need for an official report and minimal damage.³⁰ The public prosecutor has the authority to propose specific measures for those admitting to misdemeanours or violations.³¹ Originally limited to misdemeanours, the scope expanded to include all offences and crimes punishable by imprisonment or fines.³² The scope was further expanded to include crimes punishable by up to three years in prison,³³ excluding press crimes, involuntary manslaughter, political crimes, and offences committed under the influence of alcohol.³⁴

4.2. Parties of Criminal Settlement

The reconciliation agreement involves two parties: the victim (or their heirs or representatives acting on behalf of the victim) and the accused—whether during the pre-trial and trial stages or after the final judgment, which may be suspended by the reconciliation.

26 *ibid*, arts 379, 380, 456, 236.

27 Federal Decree-Law of UAE no (34) 2021 ‘On Countering Rumors and Cybercrimes’ art 2(1) <<https://uaelegislation.gov.ae/en/legislations/1526>> Accessed 5 February 2025

28 *ibid*, art 6 (1).

29 Federal Law of UAE no (6) 2022 ‘Concerning Juvenile Delinquent and Juvenile at Risk of Delinquency’ art 20 <<https://uaelegislation.gov.ae/en/legislations/1618>> Accessed 5 February 2025.

30 Adnan Al-Sabai, ‘Criminal Reconciliation Mechanism in Moroccan Legislation and Comparative’ (2021) 32 *Journal of Law and International Business* 17.

31 Kareema Mohammed Al-Zaitouni, ‘The Reconciliation of the Offender and the Victim as a Model of Restorative Justice’ (2019) 17(1) *Al-Ostath* 231.

32 It can be said that the criminal settlement in the French legislation extends to include the offenses stipulated in arts 222-11, 222-13 (1 to 11), 222-16, 222-17, 222-18, (1) 227-3 to 227-7, and from 227-9 to 227-11, 311-3, 313-5, 314-5, 314-6, 322-1, 322-12 to 322-14, 433-5 to 433-7 and 521-1 of the Criminal Law. See: Code Penal (France) 22 July 1992 (Amended 1 January 2025) <https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070719/> Accessed 5 February 2025.

33 See: French Code of Criminal Procedure of 31 December 1957 (Amended 1 February 2025) art 41 (1) <https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154> Accessed 5 February 2025.

34 Feirouz El Maouhab, ‘The Role of Penal Mediation in Achieving Restorative Justice’ (2024) 13(2) *Aljithed Journal on Legal and Economic Studies* 396, doi:10.36540/nvxs614.

- **The Victim:**

Criminal jurisprudence differs in its definition of “victim”. Some scholars define a victim as anyone who suffers an attack on their protected interest or is harmed by the crime, while others consider indirect victims as well.³⁵ For example, in a case of fraud, the victim is the owner of the misappropriated money, but the indirect victim is the spouse and children.

In French criminal law, a victim is defined as “any person who has suffered harm resulting from the crime, including physical, emotional, or economic losses.”³⁶ This designation is granted only after proving “that their suffering from the harm resulting from the crime committed against them was personal, real, and recognised as socially unacceptable.”³⁷ The victim may be a person who has been harmed or damaged as a result of the crime, whether that harm or damage is physical, emotional, or material.³⁸

French legislation aligns with Jordan and UAE laws, allowing victims to be natural or legal persons, as affirmed by the Egyptian Court of Cassation.³⁹

Jordanian and Emirati legislations permit only unauthorised assault victims to submit reconciliation requests, either personally or through a legal representative, regardless of specific damage or risk. Reconciliation requests from others, such as children or a spouse, are not accepted without a specific power of attorney. An exception exists when the request—either from them or their representative—is accepted as evidence of reconciliation in court or by the public prosecutor, especially when they are heirs of a deceased victim.⁴⁰

In the UAE, Article 350 (1) of the Criminal Procedure Law states that only the victim or their legal representative has the right to request reconciliation with the accused, except in cases where the victim is legally incompetent, insane, or a minor.⁴¹ The French legislature

35 Sabine Mandl and Julia Planitzer, ‘Who is a Victim? The Concept of Victim in the Victims’ Rights Directive: A human rights analysis of the concept of victim from a gender-specific perspective’ (2022) 12 *SIAC-Journal* 49-50, doi:10.7396/IE_2022_E.

36 Saful Khafidz Susilo, Sanusi and Fajar Ari Sudewo, ‘Comparison of Protection for Victims of Crime Between Indonesia and France’ (Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, MALAPY 2022, 28 May 2022, Tegal, Indonesia) 5, doi:10.4108/eai.28-5-2022.2320493.

37 *ibid.*

38 Mohamed Abdelmohsen Mohamed Ben Tarif, Mohammed Mansour Al-Akour and Mo'men Nayef Al-Saaydeh, ‘Criminal Protection of Victims of Justice in Jordanian Legislation’ (2019) 22(1) *British Journal of Humanities and Social Sciences* 108.

39 Raed SA Faqir, ‘The Criminal Liability of Parent Corporations for Acts of Its Subsidiaries under Criminal Law in Jordan: A Comparative Study’ (2016) 7(3) *Beijing Law Review* 2019, doi:10.4236/blr.2016.73022.

40 The Jordanian Criminal Procedure Law no (9) 1961 did not address this issue, unlike the Emirati legislation, which clearly addressed it in art 350 (1) of the Emirati Criminal Procedure Law no (38) of 2022. See: Decision no 492/2006 (Jordanian Court of Cassation, Quintet Panel, 6 August 2006).

41 Federal Decree-Law of UAE no (38) 2022 (n 18) art 350(1).

also emphasises the role of the victim in criminal reconciliation, as stated in Articles 41 (1) (2) and 495 (7) of the French Criminal Procedure Law.⁴²

Jordanian law, similar to Emirati and French law, allows victims or their representatives to initiate reconciliation requests with the accused. However, unlike Emirati law, Jordanian law does not explicitly address heirs' right to initiate a reconciliation request, as stated in Article 3(1) of the Criminal Procedure Law No. 9 of 1961.

The legislative bodies of Jordan and the UAE have resolved the issue of criminal reconciliation involving underage victims. Complaints from victims under the age of fifteen are not considered⁴³ unless approved by their legal representative.⁴⁴ In France, the minimum age for criminal reconciliation is 18 years old, with parents or legal guardians participating on behalf of younger victims.⁴⁵

Whether criminal reconciliation can be used in cases of multiple victims is not addressed in Jordanian, Emirati, and French legislation.⁴⁶ However, complaint provisions stipulate that waivers must be collective, and a reconciliation agreement between one victim and the accused is invalid. This is because criminal reconciliation is a meeting of interests.⁴⁷

- The Legal Representative of the Victim:

Jordanian law does not explicitly address submitting a reconciliation request through a legal representative. However, complaints for offences listed in Articles 415, 416, 419, 420(1), 422, 423(1), 424, and 425 of the Penal Code require a complaint to be filed by the victim. The Code of Criminal Procedure permits the informer or their agent to file a complaint. By analogy, it can be inferred that a reconciliation request may also be submitted through a legal representative.⁴⁸

Nonetheless, the Jordanian Code of Criminal Procedure and Penal Code should be amended to allow reconciliation between victims and the accused based on an agreement between the victim, their legal representative, heirs, and the accused.⁴⁹

42 See: Loi (France) n 2004-204 (n 18), known as the "Berban" law, which introduced amendments to the mechanisms of conciliation and expanded its scope of application; as well as Law: Loi (France) n 2016-1547, 18 November 2016 'De modernisation de la justice du XXI^e siècle' (Amended 1 January 2023) <<https://www.legifrance.gouv.fr/loda/id/JORFTEXT000033418805>> Accessed 5 February 2025.

43 Federal Decree-Law of UAE no (38) 2022 (n 18) art 14(1).

44 Jordanian Criminal Procedure Law no (9) 1961 (n 18) art 3(b).

45 Code civil des Français (n 15) art 388.

46 Jordanian Penal Code no (16) of 1960 (n 24) art 53.

47 Al Saadi (n 13) 128.

48 Jordanian Criminal Procedure Law no (9) of 1961 (n 18) art 27(1).

49 Case no 120/2003 *Quintet Panel* (Jordanian Court of Cassation, Criminal Chamber, 30 March 2003).

Jordanian law currently stipulates that the victim or their legal representative must personally submit a request for reconciliation. This limits these two categories from acting without others.⁵⁰ If the victim dies, the right to reconciliation may not be transferred to the heirs, mirroring the non-transferability of the right to withdraw a complaint. However, the legal representative of the heirs may submit a reconciliation request to the public prosecutor or the court.⁵¹

By contrast, the Emirati legal framework provides more explicit provisions for reconciliation through a legal representative. Articles 348 and 350 of the Criminal Procedure Law clearly allow reconciliation procedures to be initiated based on an agreement between the victim or their legal representative and the accused.⁵² Unlike the Jordanian approach, the Emirati system does not require the victim to personally submit the request, thus granting greater flexibility in the reconciliation process and ensuring that procedural barriers do not hinder justice.

Jordanian, Emirati and French legislation allow reconciliation between victims and accused in criminal cases without financial compensation. This enables public prosecution or court to accept it regardless of material or moral compensation.⁵³ French legislation, however, states that reconciliation is a reason for the expiration of criminal lawsuits only in specific categories of cases—namely petty crimes, customs crimes, cash dealings, and indirect tax system offences—and only in the context of economic and financial crimes.⁵⁴

- The Accused:

The UAE and Jordan's criminal legislation does not define the term “accused,” but the Criminal Procedure Law states that the plaintiff in a public rights claim is the one against whom the claim is brought.⁵⁵ In the UAE, the accused applies to anyone initiated in criminal proceedings,⁵⁶ regardless of whether they are charged with a crime or a misdemeanour.⁵⁷

50 Al Jubour and Hayajneh (n 8) 69.

51 Mouaid Al-Qudah and Mamoun Abu-Zeitoun, ‘The Rights of the Victim in the Face of the Public Prosecution’s Exclusive Authority to Initiate Criminal Proceedings: A Comparative Study’ (2017) 18(1) International Review of Law 13, doi:10.5339/irl.2017.4.

52 Federal Decree-Law of UAE no (38) 2022 (n 18) arts 348, 350(1).

53 Fakhrah Saif Salem Al-Mansouri, ‘The Judicial Reconciliation as an Alternative to Criminal Lawsuit: A Comparative Study to the Emirati Law and Egyptian Laws’ (2023) 14(25) Judicial Studies Journal 109.

54 Sarah-Marie Cabon, ‘Negotiation in Criminal Matters’ (Doctoral Thesis, University of Bordeaux, 2014) 61.

55 Jordanian Criminal Procedure Law no (9) 1961 (n 18) art 2.

56 Khalid M Al Hammadi, ‘Criminal Settlement in the UAE Criminal Procedure Law: A Comparative Study’ (2024) 19(5) Legal Journal 2991.

57 Mohammed Abouelwafa, ‘The Legal Development of the Federal Criminal Procedures Law of the United Arab Emirates and the Possibility of Terminating the Criminal Prosecution with Criminal Reconciliation’ (2022) 30 (2) Security and Law Journal 76.

French criminal legislation, by contrast, differentiates between suspects and accused individuals. During investigation, suspects are referred to as innocent until charges are made. Once a crime is attributed to the suspect, they are considered the accused and may become potentially involved in the criminal settlement process.⁵⁸

In legal jurisprudence, the accused is defined as anyone suspected of committing a criminal act, obligated to face responsibility and undergo legal procedures.⁵⁹ They are also the adversary in a criminal lawsuit, with strong evidence directing the accusation. The accused can be anyone suspected of involvement in a crime or those who have been taken into criminal custody or arrested by authorities.⁶⁰

In Jordanian law, the term “accused” refers to a party involved in a criminal dispute, often referred to as “suspect” during the initial investigation stage.⁶¹ Under UAE legislation, the same term is used during the evidence-gathering stage. A person is then considered “convicted” in cases of first-instance or final judgment and as a “convict” upon final judgment.⁶²

The accused is defined as a person who has been charged, filed a criminal suit, arrested, or issued an arrest warrant by judicial authorities. They are entitled to the presumption of innocence until a final and binding judgment of guilt is issued in the suit against them.⁶³

In Jordan, the UAE, and France, legal insanity exempts the accused from prosecution, while foreign diplomats are granted legal immunity, protecting them from trial before the national courts. Instead, such diplomats are subject to prosecution under the penal laws of their own countries.⁶⁴

58 Yevhenii Tyrlych, ‘Obtaining Samples for Examination in Criminal Proceedings: A Comparative Analysis’ (2024) 4 Visegrad Journal on Human Rights 122, doi:10.61345/1339-7915.2024.4.17.

59 Fawaz Jabir Fatahan and Yousef Zakaria Arbab Issa, ‘The Right of the Accused to Remain Silent’ (2022) 10 Al-Qulzum Journal of Political and Legal Studies 23.

60 Khechana and Berni (n 1) 438.

61 Abdullah M Ehjelah, ‘The Power of Judicial Control in the Final Verdict Issued in a Case before its Initiation by the Criminal Judiciary: A Comparative Study of the Jordanian and Emirati legislations’ (2016) 13(2) University of Sharjah Journal of Sharia and Law Sciences 401.

62 Tareq Al-Billeh and others, ‘Guarantees for Questioning the Accused in the Jordanian Criminal Procedures’ (2023) 34 Journal of Namibian Studies: History Politics Culture 2214, doi:10.59670/jns.v34i.1497.

63 Khaled M Al Hammadi and Zubeida JM Al Mazmi, ‘Personal Freedom Guarantees in the Face of Arrest in Emirati Legislation: A Comparative Study’ (2023) 18(1) Legal Journal 127.

64 Munaaba John Apuuli, ‘Analysis of Diplomatic Immunity and Crimes Committed by Diplomats: A Research Report’ (School of Law, Kampala International University 2019) 16.

4.3. Terms of the Criminal Reconciliation Agreement

There is consensus between criminal legislations in Jordan, the United Arab Emirates, and France on the necessity of meeting a set of conditions for the defendant to be eligible to participate in the criminal reconciliation agreement. The most important of these conditions include:

A. Jordanian, Emirati, and French laws recognise both natural persons and legal entities as subjects of criminal law. Legal entities are responsible for crimes their representatives or agents commit, subject to fines and confiscation. However, personal punishment is not prohibited. Reconciliation can occur directly between the victim and the accused or with the legal representative of the accused.⁶⁵

B. The accused must be alive and able to express their will during criminal proceedings. According to the Jordanian Penal Code and the French Code of Criminal Procedure, no party can be deceased.⁶⁶ The death of the accused grounds the termination of the criminal action⁶⁷ and the dropping of penalties.⁶⁸ In the UAE, the criminal action expires, and penalties are dropped upon the accused's death, rendering reconciliation agreements unenforceable.⁶⁹

Article 350 (2) of the UAE Penal Code permits reconciliation between the heirs of the accused and the victim. However, upon the accused's death, reconciliation is not possible, raising questions about reconciliation's purpose.⁷⁰

C. Legal action against an unknown person is impossible, as it requires identification and reconciliation. A criminal lawsuit cannot be filed against an unknown person, as it requires identification and judgment of guilt. Agreements between known and unknown parties are impossible, as they require free will and acknowledgement of guilt, which cannot be achieved with an unknown accused.⁷¹

65 See: Jordanian Penal Code no (16) of 1960 (n 24) art 74(3). Federal Decree-Law of UAE no (31) 2021 (n 25) art 65. The French legislator addressed the criminal responsibility of moral persons, and the penalties imposed on them in arts 121 (2), 131 (38), and (39) of the French Penal Code, see: Code Penal (France) (n 32). See art 65 of the UAE Penal Code no (31) of 2021, which limits the penalty for a legal entity to a fine not exceeding five million dirhams (5,000,000).

66 Fahad MH Hadi, 'The Public Prosecution in Jordanian and Kuwaiti Law' (Master's thesis, Faculty of Law, Middle East University 2014) 70.

67 Hamzeh M Abu Issa and Abdallah Al-Khseilat, 'The Impact of Death of the Accused on the Criminal Action in the Jordanian Law, International' (2019) 9(5) Journal of Humanities and Social Science 134, doi:10.30845/ijhss.v9n5p17.

68 Federal Decree-Law of UAE no (38) 2022 (n 18) art 268.

69 *ibid*, art 324.

70 Abdulaziz Al-Hassan and Amin Dahmash, *Explanation of the Federal Penal Code of the United Arab Emirates issued by Federal Decree-Law no 31 2021 (General Theory of Crime, General Theory of Penalty)* (Scientific Renaissance for Publishing and Distribution 2024) 377.

71 Alhajri and Al Nawayseh (n 12) 35.

D. The procedural capacity of the accused is addressed in Jordanian legislation, specifically in Articles 88-94 of the Penal Code. Article 88 states that the accused is not responsible if coerced to commit the crime. Article 92 states that the accused is not accountable if suffering from insanity or mental disorder.⁷² Article 93 states that the accused is not accountable if in a coma due to forced alcohol or drug consumption. Article 94 deals with the lack of criminal responsibility for young offenders under twelve years old. The accused must possess mental maturity, understanding, freedom of choice, and mental capacities at the time of the crime. Accountability requires willingness and consciousness, as stated in Article 74 of the Penal Code.⁷³

Similarly, Emirati legislation emphasises the requirement for the defendant's legal capacity in criminal proceedings.⁷⁴ Legal capacity is lost in cases of insanity, minority (under the age of twelve), or when the defendant completely lacks perception, will, or freedom of choice at the time of committing the crime.⁷⁵ French and Emirati legislation both address defendants losing legal capacity due to insanity, coercion, mistake, or irresistible force.⁷⁶

5 IMPACTS OF CRIMINAL RECONCILIATION ON CRIMINAL LITIGATION

Criminal reconciliation fosters dialogue, understanding, and empathy in criminal litigation, promoting healing and rehabilitation. It requires reevaluating legal frameworks, balancing accountability and reform, and reverberating throughout the criminal justice system.

5.1. Impact of Criminal Reconciliation During the Evidence-Gathering Stage

Reconciliation between the perpetrator and victim is a procedural agreement that may occur at any stage of the criminal proceedings, including the initial investigation.⁷⁷ While it does not fall under the category of a criminal complaint, it restricts the judicial control authority.⁷⁸ After verifying the agreement's validity and the perpetrator's commitment, the case is referred to the public prosecution, which may shelve the case if no complaint has been filed.⁷⁹

72 Waddah Saud Al-Adwan, 'Contraindications Criminal Liability in Jordanian Law: A Descriptive and Analytical Study' (2019) 34(4) Tanta Faculty of Sharia and Law Journal 677.

73 This is confirmed by art 4 (b) of Jordanian Law no. (24) 2014 in cases of criminal liability of minors.

74 Federal Decree-Law of UAE no (38) 2022 (n 18) arts 29, 186(1), 188, 261(2), 299. Also see, Federal Decree-Law of UAE no (31) of 2021 (n 25) art 63.

75 Al-Hassan and Dahmash (n 70) 377.

76 See: Code penal (France) (n 32) arts 122 (1), (2), (3) and 122 (2).

77 See the Decision of the UAE Minister of Justice no. (409) 2017, issued on 4 May 2017 (Official Gazette 31/5/2017) regarding the establishment of federal prosecutors for criminal reconciliation, official crime no. 615 of the forty-seventh year.

78 Alhajri and Al Nawayseh (n 12) 42.

79 Al Saadi (n 13) 53.

French and Jordanian legislations permit criminal reconciliation during evidence collection, preventing prosecution pursuit and lawsuit closure.⁸⁰ Public prosecutions must refrain from filing criminal lawsuits if a reconciliation agreement is proven.⁸¹ Articles 6, 7, and 8 of the French Penal Code and Articles 347 and 349 of the UAE Criminal Procedure Law No. (38) and 41 (1), (2), (3) of the French Criminal Procedure Code seek to strike efficiency with justice. Examining these clauses reveals a legal system that supports alternative dispute resolution, providing flexibility while safeguarding victim rights and maintaining public order by means of flexibility.

UAE legislation prohibits the continuation of criminal prosecutions if the perpetrator resorts to reconciliation, settles with the victim, and commits to compensation. If referred to the court, the court must issue a non-acceptance decision.⁸² If reconciliation is reached between the parties during the evidence stage before the judicial police, the police must cease further action and refer the matter to the public prosecution, which in turn issues a decision to close the case.⁸³

In Jordanian, Emirati, and French legislation, the public prosecution does not drop charges without proof of reconciliation between the accused and the victim. This proof can be through admission, legal representation, or certified documents indicating reconciliation.⁸⁴ Perpetrator or victim statements and uncertified documents are not accepted. In French legislation, the public prosecution ensures the accused's compliance with reconciliation terms and can reconsider dropping charges if terms are not met.⁸⁵

As demonstrated by UAE, French, and Jordanian law, reconciliation between the offender and victim is a fundamental procedural tool to halt criminal prosecution at several phases, including during evidence collection. This procedure typically calls for formal verification—that is, legal counsel or certified documentation—to guarantee it is not predicated on hearsay or unreliable claims. These legal systems stress the need for real and enforceable reconciliation by demanding solid proof, even while they seek to offer flexible solutions and reduce court loads. The public prosecution plays a crucial role in balancing restorative justice and legal accountability because it validates the reconciliation and maintains the power to reconsider dropping charges if the terms are not upheld, particularly under French law.

80 See: Code penal (France) (n 32) arts 6, 7, 8; Code de procédure pénale (France) (n 33) arts 41 (1), (2), (3).

81 Federal Decree-Law of UAE no (38) of 2022 (n 18) arts 347, 349.

82 Musab Al-Husseini and Mohammad Al-Aani, 'Judicial Reconciliation in Border Crimes and Retribution and Blood Money in UAE Legislation' (2022) 19(3) *University of Sharjah Journal of Legal Sciences* 154, doi:10.36394/jls.v19.i3.6.

83 Alhajri and Al Nawayseh (n 12) 42.

84 Federal Decree-Law of UAE no (38) 2022 (n 18) art 351 (1) and (2).

85 Mohamed Fathi Al-Jallawi, 'Organized Criminal Settlement in French law' (2020) 52(2) *Legal and Economic Research Journal* 9.

5.2. The Impact of Reconciliation During the Criminal Investigation Stage

The system of criminal reconciliation is an alternative to litigation.⁸⁶ It is characterised by friendliness, satisfaction, recognition, and apology from the perpetrator, with the victim accepting compensation. Either party can initiate reconciliation without third-party intervention. Reconciliation is crucial in ending criminal prosecution and reducing penalties, depending on the stage of the agreement.

In Jordanian legislation, reconciliation allows the parties to agree on financial compensation during the preliminary investigation stage.⁸⁷ Pre-trial reconciliation between the perpetrator and the victim prevents the state from pursuing and punishing the crime. This results in public prosecution members refraining from filing a lawsuit or taking further action. Once reconciliation is finalised, the investigation cannot be reopened—even if reconsidered by the victim. The reconciliation order holds special validity, preventing reconsideration or any new actions.⁸⁸

Under Emirati legislation, reconciliation may occur during the preliminary investigation stage or after a final judgment has been issued.⁸⁹ If an agreement is reached during the criminal investigation stage, the public prosecutor will refrain from initiating prosecution.⁹⁰ The law permits reconciliation between the accused and victim—or their representatives—prior to court proceedings.⁹¹ The Court of Cassation of Abu Dhabi further provides that victims, agents, heirs, or representatives may seek reconciliation with the accused before public prosecution or court, depending on the circumstances of the misdemeanours and offences.⁹² Like Jordanian legislation, Emirati law does not allow the investigation to be reopened once reconciliation has been finalised, ensuring the process's finality and validity.⁹³

In French legislation, reconciliation plays a significant role in halting criminal proceedings. A reconciliation agreement must be reached for the prosecution to cease pursuing the accused, ensuring the agreement's validity and satisfaction.⁹⁴ Compensation is a condition

86 Al Saadi (n 13) 48.

87 *ibid* 51.

88 Al-Jallawi (n 85) 68.

89 Federal Decree-Law of UAE no (38) 2022 (n 18) art 350 (5). Article expressly states that settlement is permissible in any case, even after the issuance of a final judgment or criminal order.

90 *ibid*, art 118.

91 *ibid*, art 350(3).

92 Appeal no 1056 [2018] Court of Cassation of Abu Dhabi, Criminal Judgments.

93 Al Jubour and Hayajneh (n 8) 15; Alhajri and Al Nawayseh (n 12) 42.

94 See also, Code de procédure pénale (France) (n 33) art 41(1), which states that the public prosecutor can cease criminal proceedings if reconciliation is reached, ensuring the agreement's validity, party satisfaction, and lack of the previous precedents against the accused.

for reconciliation's validity,⁹⁵ requiring the prosecution to stop all investigation proceedings once the agreement is reached.⁹⁶ Public prosecution suspends judicial pursuit after a criminal reconciliation is achieved. However, the French legal system also provides that the public prosecution supervises the implementation of reconciliation terms. If the terms are not met, the prosecution can reopen cases and resume proceedings against the accused, but this cannot occur during the preliminary investigation stage.

Reconciliation in Jordanian and Emirati legislation prevents the state from pursuing and punishing the crime, while in French legislation, it suspends judicial pursuit after reconciliation, with safeguards to ensure compliance. The shared emphasis across all three jurisdictions on the finality of reconciliation agreements highlights its importance as an alternative to litigation, fostering resolution and justice without prolonged court proceedings.

An analysis of the criminal reconciliation frameworks found in French, Emirati, and Jordanian law suggests that these systems are a good substitute for conventional litigation. This strategy strongly emphasises the development of reciprocal agreements between victims and offenders, often including aspects of compensation as a crucial step in the resolution process. In all three jurisdictions, the achievement of reconciliation results in the suspension or termination of criminal prosecution. The procedural approach, however, is where the main distinction is found in Jordan and the UAE; once reconciliation is completed, the case cannot be reopened, guaranteeing finality. On the other hand, French law permits the public prosecution to monitor adherence to the terms of reconciliation and reopen the case if required. Although all three systems aim to lessen the workload for courts, French law offers extra protections to guarantee that the terms of reconciliation are fulfilled.

5.3. Impact of Criminal Reconciliation During the Trial

Reconciliation between the perpetrator and victim during the trial stages and final judgment leads to the dismissal of the criminal lawsuit.⁹⁷ In many cases, the accused resorts to reconciliation to avoid penalties. Courts can accept or reject reconciliation requests, confirming the agreement's validity and specific crimes for which reconciliation is allowed.⁹⁸

95 Emmanuel Ariananto Waluyo Adi, 'Penal Mediation as the Concept of Restorative Justice in the Draft Criminal Procedure Code' (2021) 5(1) *Lex Scientia Law Review* 153, doi:10.15294/lesrev.v5i1.46704.

96 Matthew Marcellinno Gunawan, Pujiyono Suwadi and Muhammad Rustamaji, 'Comparison of Restorative Justice Implementation in Indonesia, Usa, Germany, Poland and Switzerland' (2024) 18(1) *Revista de Gestão Social e Ambiental* 3, doi:10.24857/rgsa.v18n1-055.

97 Al Saadi (n 13) 119.

98 Bahaa Jihad Mohammed Al-Madhoun, 'The Criminal Reconciliation in Criminal Offenses According to the Palestinian Criminal Reconciliation Law Compared to Islamic Sharia: A Comparative Analytical Study' (master's thesis, Islamic University 2018) 92.

Jordanian and Emirati legislations allow reconciliation during the trial stage to prevent convictions and imprisonment.⁹⁹ If a court settles a criminal case through reconciliation, the dispute is terminated, requiring immediate release, removal of the incident as a criminal record, non-consideration of the offence as a repeated offence, and the return of settlement items.¹⁰⁰

Under Jordanian law, reconciliation between the perpetrator and victim is allowed during trial for crimes that require a personal complaint or civil rights claims.¹⁰¹ This applies to First, Second, or Cassation courts. Reconciliation may mitigate punishment but does not result in the dismissal of the lawsuit.¹⁰² Article 52 (A) of the Jordanian Penal Code No. 16 of 1961 allows for reconciliation during the trial stage and prior to the issuance of a final judgment.¹⁰³

In comparison, the situation does not differ in UAE law, which allows reconciliation between the offender and the victim during the stages of trial in the Courts of First and Second Instance and even before the Court of Cassation. If the court verifies the validity of the reconciliation conditions and the victim's interest is achieved, a decision to dismiss the criminal lawsuit is issued. It is also acceptable for the reconciliation to occur before or after the issuance of the criminal judgments.¹⁰⁴ The Federal Court ruled that proving reconciliation with the accused in court must be done by the victim, their legal representative, their heirs, or their legal representative in misdemeanours and violations outlined in Articles 339 of the Penal Code.¹⁰⁵ As confirmed by the Abu Dhabi Court of Cassation: "The court must issue a decision to dismiss the criminal lawsuit in case of proving the reconciliation agreement between the offender and the victim in crimes where reconciliation is allowed by law."¹⁰⁶

In French legislation, once the parties to a dispute reach a settlement agreement and the public prosecutor approves it, the court's role is to authenticate it after ensuring it complies with the provisions of the law. If verified, the court issues a ruling to terminate the criminal case without a conviction. However, the court also has discretionary authority to reject a settlement agreement if it deems the terms unfair or inconsistent with justice. In such cases, the court will proceed with the criminal proceedings. Once the

99 The Jordanian Court of Cassation ruled that the approval of the Customs Department to settle the dispute on smuggled goods at the request of the defendant, pursuant to arts (241-243) of the Customs Law, terminates the dispute from both criminal and civil aspects, preventing the issue from being raised again. See: Case no 1227/1993 Jordanian Court of Cassation [1994] Bar Association Journal 2209.

100 Khuloud Birkat Alian Al-Khataleen, 'The Role of Reconciliation in Terminating Criminal Lawsuits: A Comparative Study' (master's thesis, Al-Ahliyya University 2021) 54.

101 Alhajri and Al Nawayseh (n 12) 45.

102 Appeal no 595/2000 (Jordanian Court of Cassation, 24 July 2000).

103 Jordanian Penal Code no (16) 1960 (n 24) art 52(a).

104 Appeal no 898 [2020] Supreme Federal Court of UAE, Criminal Judgments.

105 *ibid.*

106 Appeal no 165 [2019] Court of Cassation of UAE, Criminal Judgments.

court has approved a reconciliation agreement and ruled to terminate the case, this decision is final and cannot be reversed.

It is evident that the primary goal of criminal reconciliation in the legal systems of Jordan, the UAE, and France is to resolve disputes amicably and avoid formal prosecution. However, comparative research reveals significant procedural differences across these jurisdictions.

In both Jordan and the UAE, reconciliation is permitted during the trial phase, and if the agreement is legitimate, it generally results in case dismissal—especially in the UAE. In Jordan, reconciliation lessens punishment but does not necessarily result in dismissal. However, under French law, a court must verify an agreement and have the authority to reject it if it is considered unfair. While reconciliation is a top priority in all three systems, French law provides a higher degree of judicial oversight.

5.4. Impact of Criminal Reconciliation After Sentencing

In both Jordanian and French law, criminal reconciliation is allowed at different stages of criminal proceedings, such as during investigations and trials, but always before the final judgment. While reconciliation after the final judgment is not recognised, parties may still engage in it; however, it does not impact the concluded criminal action and only affects the specified penalty.

Therefore, the preference for a reconciliatory settlement after a final judgment is limited to implementing the penalty, while the final judgment itself remains in place in both Jordanian and French legislation. In comparison, in Jordanian law, reconciliation between the parties following a final judgment can lead to the suspension or reduction of the penalty.¹⁰⁷ In French law, its impact is also limited, as it may lead to the termination or reduction of the penalty.

Emirati legislation differs from Jordanian and French legislation by explicitly allowing for reconciliation after the issuance of a final judgment. This is expressed in Article 354 of the Criminal Procedures Law, which states that: “If reconciliation with the accused occurs after the issuance of a final criminal judgment, the public prosecution shall order the suspension of its implementation.” Thus, Emirati legislation permits criminal reconciliation after a judgment becomes final, granting the public prosecution the authority to order the suspension of the judgment's implementation, resulting in the suspension of the punishment under the force of law. Criminal reconciliation is considered a matter of public order, and the court has no discretion in this matter, regardless of the duration or type of sentence—whether custodial or financial. Reconciliation, whether before or after judgment, results in the expiration of the state's right to enforce the original, complementary, and financial penalties.

107 The Jordanian legislature, in art. 421(3) of Penal Code, took the mitigating effect of reconciliation for punishment in cases of post-judgment checks. See: Jordanian Penal Code no (16) 1960 (n 24).

An analysis of criminal reconciliation in the legal systems of France, the UAE, and Jordan reveals that it promotes resolution at several stages of criminal cases. However, there are notable differences in how it affects things after issuing a final judgment. In both French and Jordanian law, reconciliation is permitted before the final judgment and may lead to the reduction or suspension of the penalty, but it has no bearing on the final judgment itself. In contrast, Emirati law permits reconciliation even after a final ruling, allowing the public prosecution to halt the imposition of the penalty. This illustrates a more comprehensive approach, where reconciliation can impact both the penalty and its enforcement, regardless of the type of sentence.

6 CONCLUSIONS

The criminal reconciliation system, rooted in both Arab and Western civilisations, has been adopted in Jordan, the UAE, and France in response to social, cultural, and economic changes, as well as calls for democracy and capitalist system openness. These factors have resulted in the development of new criminal laws.

This study has achieved several important results, as follows:

1. A criminal settlement is a written agreement between the victim, their representative, heirs, or a mediator to resolve disputes in criminal matters that can be resolved amicably.
2. Jordan, the UAE, and France have adopted prosecutorial reconciliation mechanisms, focusing on parties' roles. However, procedural texts limit the state's right to impose punishment.
3. In all three countries, criminal reconciliation terminates criminal disputes and prevents judgments. However, it does not guarantee acquittal or the preservation of a final judgment if the legal consequences of a case worsen or the incident's description changes from misdemeanour to felony.
4. The legislation differences between the UAE, Jordan, and France significantly influence how criminal reconciliation is applied in the post-trial phase and during the enforcement of punitive judgments.
5. The legal systems of Jordan, the UAE, and France agree that criminal reconciliation does not impact any civil claims arising from the reconciled crime, regardless of whether those claims are filed in criminal or civil courts.

Based on its findings and in-depth analysis, the study presents crucial recommendations for the legal environments of Jordan, the UAE, and France:

1. A supervisory system for criminal reconciliation should be established in Jordanian, Emirati, and French legislation. This system should allow the accused to reconcile for specified crimes and act against repeating offences to prevent waiver of prescribed punishments.

2. Jordan and UAE legislative systems should broaden the scope of special criminal legislation, like French practices, emphasising criminal reconciliation as a reason for the expiration of criminal lawsuits.
3. The principle of criminal reconciliation should not limit compensation to just financial but should include other forms of restitution. The goal is to create a deterrent punishment, preventing crime recurrence through social services, educational courses, or therapy sessions rather than concealing the results.
4. French legislators must establish clear guidelines for criminal settlements to ensure and protect victims' rights. The judiciary must also be provided with defined criteria for approving or revoking settlements, thereby maintaining an appropriate balance between administrative discretion and judicial oversight.
5. Jordanian and Emirati legislators must clearly define criminal reconciliation provisions, including their implications for multiple victims and the impact on the complaint-waiving system.

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АНОТАЦІЯ УКРАЇНСЬКОЮ МОВОЮ

Дослідницька стаття

РОЛЬ ПРИМИРЕННЯ В АКТИВІЗАЦІЇ ВІДНОВНОГО ПРАВОСУДНЯ В КРИМІНАЛЬНОМУ ЗАКОНОДАВСТВІ ЙОРДАНІЇ, ЕМІРАТІВ ТА ФРАНЦІЇ (АНАЛІТИЧНО-ПРАВОВЕ ДОСЛІДЖЕННЯ)

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АНОТАЦІЯ

Вступ. У дослідженні вивчається, як відновне правосуддя у Франції, Об'єднаних Арабських Еміратах та Йорданії здійснюється за допомогою примирення. Із наголосом на соціальній згуртованості та справедливості примирення у кримінальному провадженні має на меті боротися зі злочинністю альтернативними засобами. Щоб усунути недоліки традиційного кримінального правосуддя, у цій статті розглядається договірне правосуддя в зазначених країнах. Звернено увагу на захист прав людини і налагодження зв'язку між жертвою та правопорушником. Каральні заходи підпорядковуються компенсаційному правосуддю.

Примирне правосуддя замінило традиційні каральні заходи в системах кримінального правосуддя Об'єднаних Арабських Еміратів, Йорданії та Франції. Через неефективність традиційних заходів покарання за дрібні правопорушення сторони тепер можуть вирішувати свої розбіжності поза правовою системою. Примирення, альтернатива відновному правосуддю, намагається вирішити суперечки мирним шляхом за допомогою усунення наслідків злочину, відшкодування шкоди, реінтеграції правопорушників і сприяння соціальній згоді.

Методи. У статті використовувалися описовий, аналітико-індуктивний та порівняльний методи для аналізу правових аспектів примирення в трьох країнах. За допомогою аналітико-індуктивного методу було зібрано і проаналізовано дані.

Порівняльний метод застосовували для зіставлення юридичних текстів, а описовий — для опису досліджуваного явища.

Результати та висновки. Кримінальне законодавство Йорданії, ОАЕ та Франції має запровадити арбітражну систему примирення, дозволяючи обвинуваченим особам заявляти про конкретні злочини. Повторні правопорушення повинні вирішуватися в судовому порядку, а примирення має призвести до закриття провадження за кримінальними позовами, включно з наданням відповідних соціальних послуг та терапією.

Ключові слова: відновне правосуддя, примирення у кримінальному законодавстві, компенсаційна угода, зміст примирення та його сторони, правові наслідки, закриття провадження за кримінальним позовом, Йорданія, Об'єднані Арабські Емірати, Франція.