

Beggary & Legal consequences that entail

Begging is a negative phenomenon which has unfortunately become common all over the Hashemite Kingdom of Jordan. Reasons can be attributed to poverty or idleness but in some cases begging becomes a permanent profession to gain more money in an easy way without exerting any intellectual, literal or practical efforts.

It is alarming when it goes beyond the cadger himself, involving other people—guardians of the cadger or organized gangs using cadgers i.e. women, children, kids and others to gain money in an illegal manner. Mostly such cadgers are seen standing beside main streets, traffic lights, mosques, stores and coffee shops. Their presence is especially apparent during certain times of the year such as the month of Ramadan, holidays and summer time,

Article 389 of the Sanctions law refers to begging as an attempt to seek money and charity from others by seeking favors via showing body wounds, disabilities, standing or wandering in a common place, or using kids under 16 years old to beg and seek favors, and collect charitable donations based on false pretences.

In order to restrict, fight and eliminate this begging phenomenon, the Ministry of Social Development (MOSD) established a unit to fight begging and cadgers as well as forming anti-begging teams working all over the kingdom. Team members enjoy legal and judicial capacity; employees have power and competency to investigate crimes, collect evidences and detain committers then refer them through public security personnel and governors to the concerned judicial entities for punishment

Therefore, the team members' role is to arrest cadgers and refer them to the security center and then to the Governor who will prepare an agreement guaranteeing from the family not to repeat the crime but this administrative procedure does not prevent from referring them to a competent court; as such act is a criminal act under Jordanian law.

On the other hand, begging is considered castaway behavior in religion. We can witness legal advice issued by the Mufti Office which in Jordan prohibits begging and asks citizens not to offer charities to cadgers, but instead to donate to authorized charity organizations.

Although begging is legally considered a criminal offense, we still witness cadgers engaging in such practices.



Jordan Sanctions Law No. 16 of 1960, as amended, condemned begging and considered it as an act subject to law penalties— maximum three months imprisonment and/or other punishment. The court is empowered to refer the defendant to any institution through the MOSD, which cares for cadgers and offers them health care for at least one year and up to a maximum of three years.

The law granted the Minister of Social Development the power to issue orders to release any person the court decides to place in any institution under conditions he deems fit. In addition, the Minister may bring the cadger back to the institution again.

The Minister is not allowed to release the cadger, unless the cadger has spent one-third of penalty term.

The law stressed the need for higher penalty in case of any second offense begging, such as increasing the penalty to three months to one year and further the punishment shall be four months to one year.

Upon analyzing such sanctions which are imposed on the cadger from a legal point of view, we conclude these are not deterrents. The condemned cadger may replace imprisonment by paying a fine, thus benefiting from the law that grants the condemned person to apply to the court if punishment does not exceed 3 months.

It is worth mentioning herein that law punishes each person who exploits a third party to practice begging with a sentence of at least one year.

Under law, cadgers under 18 years old (juveniles) who are caught shall be referred to a juvenile competent court.

Given the risky nature of begging practiced by those under 18 years of age which alters their lives, security, future and their right to live in a sound and secure environment, a new Juveniles Law, No. 32 of 2014, has been issued. This considers the child's status as a case that needs care and protection once practicing begging, and further offering required care to generate the best benefits. Therefore, once the court hears such cases it seeks the juvenile behavior controller (MOSD) employee, who is delegated to follow up on juvenile affairs before the courts, to prepare a report on the incident and surrounding circumstances of the juveniles' family, social environment and health circumstances, in order to take reform arrangements that the court deems fit to maintain Juvenile care, reformation and training thereof.

With supporting statistics prepared by the MOSD, and after setting out studies conducted on people committing begging crimes, our conclusions were that out of 181 people, 96% are able to work and 67% are illiterate.

Through MOSD's statistics we noticed increasing trends of begging, especially due to the large number of Syrians now living in Jordan. These statistics show that Syrian cadgers make up 30 percent of total cadgers in Jordan. In Mafraq alone there was an increase where 70 percent of those caught were Syrian, and of this 70 percent, 60 percent of them were minors.

The major risk is represented by caught Syrians cadgers who are referred to the security centers, then to the governor who enjoys absolute administrative power and his decisions are not to be challenged; including but not limited to:

The cadger, in legal age or a guardian of the minor, shall sign a pledge coupled with financial guarantee not to repeat begging otherwise resulting in detention, for a period determined by the governor, if the agreement is not fulfilled.

However fear is increased when the cadger is a foreigner (non-Jordanian) as it is possible for the governor to issue a deportation order against him/her. For example a Syrian who has been caught begging, regardless if it is a first time or multiple time offence, and the individual is not registered at UNHCR and does not have a refugee or asylum seeker certificate is different from a Syrian registered with UNHCR and holding said certificate(s). This person, with proper registration and certificates, has protection from deportation with the exception of a crime committed relating to state security which then increases the chances of deportation.

We find that it is necessary to define that begging differs from homelessness, and cadger differs from unlicensed merchant. A homeless person lives in the streets; he has no place to live which could be a result of social, economical or political reasons. Homeless people mostly live alone, they have no family connections, and they may acquire vocation or handcraft to generate their basic living needs without resorting to begging. Whereas, a cadger is someone who lives with their family, in their home but he chooses to beg.

The unlicensed merchant also differs from a cadger; an unlicensed merchant is a trader, moving around from place to place to sell his merchandise to make a daily wage. He may be self employed or work for someone else for compensation. Often they are located in the streets, near traffic lights, highways, inside parks, and coffee shops and even in other residential and industrial areas where begging laws don't apply

We have to state the big role of (MOSD) in seeking methods to restrict this begging phenomenon through campaigns conducted by (MOSD) employees, and preparing reform plans through care houses established by the Ministry and offering rehabilitation programs to train and qualify cadgers to acquire skills, and vocational, industrial and technical expertise that help cadgers to quit begging and allow them to depend on themselves as productive and active people in the community.



From this we can see our important role in conducting workshops to increase legal awareness of vulnerable groups. It is necessary to take preventative measures by warning and educating people about the penalties associated with such acts, which are usually done unconsciously and often it is unknown that the law is being broken as. This results from a lack of knowledge of the law and therefore the associated legal consequences. Thus preventive measures play a major role in assisting people to find safe and legal methods to meet their essential needs. These efforts are implemented by ARDD-Legal Aid in workshops they conduct and organize to increase the legal awareness of Jordanians and non-Jordanians alike residing in the Hashemite Kingdom of Jordan and further ensuring that the rule of law is applied and there is a continued mutual role between official government entities and civil society.