

Authenticity of Ordinary Bond in Evidence Payment: A Case Study of Jordan Law

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ABSTRACT

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This study examines everyday bond authentication challenges in Jordanian law through qualitative examination of legal statutes and court decisions. Findings indicate apparent inconsistencies in the application of Article 15 of Jordan's Evidence Law, with courts employing differing approaches—formalist, contextualist, and pragmatic—that yield unpredictable outcomes. Signature verification disputes predominate in 68% of cases, fostered by outdated authentication procedures and lack of standardized protocols, stalling commercial litigation by an average of 4.3 months. The study highlights how such deficiencies disproportionately impact small businesses, comprising 98% of Jordan's economy. Comparative examination of UAE, Egyptian, and UK regimes informs suggested reforms: a multi-tiered system introducing (1) simple signatures for bonds with values under JOD 2,000, (2) witness requirements for medium-value instruments (JOD 2,000–10,000), and (3) notarization or blockchain authentication for high-value transactions. These evidence-based recommendations have the potential to reduce authentication disputes by 30–40% while ensuring accessibility. The study contributes to the body of law by systematically documenting judicial practice and economic impact, offering policymakers a roadmap for modernizing Jordan's evidentiary system. The study findings have relevance to similar jurisdictions struggling with the balance between traditional instruments and modern commercial imperatives.

Keywords: ordinary bonds, law of evidence, judicial authentication, commercial law reform, Jordan.

INTRODUCTION

Private written instruments acknowledging debt, or regular bonds, are a crucial evidence of payment and contractual commitments in Jordan's business setting. Despite their widespread use in financial transactions, these documents hold an uncertain position in the law. Unlike notarized bonds that benefit from formal authentication processes, regular bonds are vulnerable to disputes that account for 32% of Jordan's commercial dispute cases (Alokashi, 2020; Al-Freihat et al., 2024). This persistent legal uncertainty undermines contractual certainty, prolongs the resolution of disputes, and ultimately stifles economic activity in a nation where small and medium enterprises (SMEs) constitute 98% of businesses (Leaders International, 2025).

The judicial treatment of ordinary bonds in Jordanian law demonstrates underlying tensions between fraud protection and evidentiary flexibility. The Jordanian Evidence Law in Article 15 permits ordinary bonds to be received as probative evidence but judicial interpretations branch off sharply. There are three approaches taken by the courts: (1) formalist (emphasizing signature verification, per Amman Commercial Court Ruling No. 2021-347), (2) contextualist (emphasizing transactional context, e.g., in Case No. 2020-189), and (3) pragmatic (balancing both factors). This inconsistency makes bond enforcement a procedural lottery, where outcomes depend more on judicial inclination than substantive justice. Compounding the problem, forensic analysis—though increasingly used—remains applied inconsistently because of:

- Lack of standardized verification protocols
- Uneven access to expert testimony outside urban centers
- Reliance on outdated ink signature requirements (Article 17)

Existing scholarship has examined bond authentication through fragmented lenses. While Alawamleh and Abu Helo (2021) only addressed fraud detection, and Al-Qassaymeh (2012) looked at notarized documents, this study addresses the critical gaps by:

1. Systematic mapping of authentication criteria across 30 Jordanian court judgments
2. Examining forensic approaches in signature authentication
3. Suggesting graduated reforms balancing accessibility and security

The analogy is drawn from the UAE's centralized registry system and e-signature standards in the UK, suggesting contextually appropriate solutions for Jordan. By way of the fusion of doctrinal analysis and examination of judicial practice, the study offers the first comprehensive framework for reforming everyday bond authentication under compelling demand given that 68% of disputes are over disputed signatures (Airout & Abu Azam, 2023).

The stakes are more than academic. Unreliable bond enforcement disproportionately penalizes Jordan's SME-dominated economy, where entrepreneurs and informal lenders have no resources for protracted litigation. This report's recommendations—including blockchain-based registries and value-tiered evidentiary standards—aim to restore trust in private financial instruments while preserving their accessibility. The report has immediate relevance to neighboring jurisdictions like Lebanon and Iraq, where similar authentication difficulties continue to exist within civil law systems.

2. LITERATURE REVIEW

The legal and evidentiary status of common bonds has been addressed from a number of scholarly standpoints, reflecting their problematic status in civil law systems. This review of research consolidates existing knowledge in three domains: the legal recognition of common bonds, persisting challenges in their judicial proof, and emerging technology solutions. In a critical appraisal of existing research, this chapter sets the theoretical and empirical background for the present research while identifying gaps this study seeks to address.

Legal Recognition of Ordinary Bonds

In civil law systems, ordinary bonds exist in a twilight zone between formal contracts and informal agreements. The Jordanian Civil Code, and Article 12 thereof, gives legal effect to private debt instruments as binding contracts, but commentators have noted radical divergences in their evidentiary treatment by regional legal systems. Comparative analysis provides diverging approaches to ordinary bond enforcement. In Egypt, for instance, Article 247 of the Civil Code necessitates the attestation of two witnesses for bond enforcement, adding an extra layer of evidentiary security. Lebanon has followed a threshold-based approach of court registration for bonds in excess of LBP 50 million, Chambers and Partners. (n.d.) reported. The GCC states have even more rigorous approaches, with UAE's Federal Law No. 5/1985 establishing a presumption of authenticity for notarized bonds, and Bahrain expressly criminalizing bond forgery under its commercial laws (Hakami et al., 2020).

Jordanian legislation is more permissive in the case of regular bonds. As the detailed discussion of Al-Freihat et al. (2024) demonstrates, Article 15 of the Jordanian Evidence Law provides too much judicial discretion for the authentication of bonds. This legislative vagueness has provided an uncertain enforcement environment in which identical cases can be resolved differently according to judicial interpretation. The present study builds on these insights by systematic review of recent court cases, demonstrating how this discretion is being exercised in practice (see Section 4.1).

Evidentiary Challenges in Judicial Enforcement

Researchers recognized four significant problems in judicial verification of common bonds, with significant implications for legal practice and reform.

The most recent statistics of Jordan's Public Security Directorate (PSD) show how prevalent signature forgery is in crime. In 2024 alone, the Laboratory and Criminal Evidence Administration in the PSD processed over 100,000 technical criminal reports, demonstrating the predominance of forensic investigation in the country. The weight of evidence placed on signature verification differs vastly across jurisdictions, causing uncertainty in cross-border financial transactions.

Witness testimony reliability is another issue in the past. The impact on the probative value of the testimony of the loss of memory is illustrated in a study carried out by Obeid (2021), where 72 percent of the cases based on witnesses are less reliable after eighteen months have passed. Sociopolitical issues compound the issue, with judicial suspicion of the testimony of particular demographic groups in the form of Syrian refugees who have disputes in financial matters (Human Rights Watch, 2022). Such reports indicate the use of witness testimony may introduce systemic prejudice into the verification procedure.

Third is judicial inconsistency in bond authentication. Formalist judges rigidly adhere to signature comparison and form in documents but contextualists put more weight on the history of the transaction and the surrounding circumstances. Pragmatists seek to balance the two and establish a continuum of judicial standards with the effect of producing uncertainty in the results. The contrast emphasizes the need for clearer direction in the law in Jordan on authentication.

The slow transition towards electronic verification procedures is another serious issue. Despite global advances in the use of e-verification, Jordanian Times (2020) reports few Jordanian lawyers use the software for e-signatures. The technology gap is in part the result of the persistence of Article 17 in demanding ink signatures and cementing the paper-based bond culture in business. Verification delays as a consequence of this lead to case backlog delays and increased litigation costs.

Emerging Technological Solutions

Current legal literature has explored a variety of technological solutions to such problems of authentication. Blockchain technology-based registers have been a focus of particular interest in the potential for tamper-proof recording of financial instruments. Pilot schemes have been initiated to this purpose by the Central Bank of Jordan (2022), although coordination with existing legal systems is under way. Biometric signature systems offer another workable solution by eliminating handwriting disputes altogether, though cost considerations currently preclude their widespread adoption in Jordan's legal system.

Artificial intelligence programs have also demonstrated high document verification accuracy, e.g., 92 percent reliability for ink dating analysis in some systems. However, their use is stalled by practical obstacles, e.g., shortage of experienced personnel and opposition from traditional legal practitioners. Specifically, no research has yet empirically tested these solutions in Jordan's specific legal context—a research gap this study fills with original stakeholder interviews and case studies (Section 5.2).

Critical Gaps in Existing Research

Current scholarship on ordinary bonds suffers from several limitations that this study seeks to address. First, the predominant focus on fraud detection mechanisms, exemplified by Alawamleh and Abu Helo's (2021) work, has come at the expense of rigorous analysis of judicial decision-making patterns. Second, existing studies display pronounced urban bias, with Al-Qassaymeh's (2012) analysis drawing 89 percent of its cases from Amman while neglecting rural jurisdictions where notarization services are scarce. Third, many technological proposals reflect a form of technological determinism, assuming infrastructure capabilities that remain absent in Jordan's current legal landscape (Al Nagi & Hamdan, 2009).

This study makes its theoretical contribution by applying Transaction Cost Economics (Alhammadi, 2016) to analyze how authentication uncertainty increases litigation expenses—a novel framework for examining evidentiary challenges in Arab civil law systems. The following methodology section details how this theoretical approach informs the study's research design and analytical framework. This literature review makes several important contributions to the understanding of ordinary bond authentication. It provides the first comprehensive comparison of Jordan's legal framework with six regional jurisdictions, identifying both convergent and divergent approaches to bond enforcement. The review combines previously unpublished court data from Jordan's forensic authorities, offering empirical validation of long-standing qualitative observations about authentication challenges. Most significantly, perhaps, it develops a practical evaluation matrix for technological solutions, gauging their feasibility in Jordan's actual legal and institutional context.

The next methodology chapter will describe how this research builds on these foundations with a systematic analysis of recent court rulings, stakeholder interviews, and comparative legal analysis. Particular emphasis will be given to the innovative combination of doctrinal analysis and empirical methods in this research, which together provide a more complete understanding of day-to-day bond authentication than previous one-dimensional approaches.

3. METHODOLOGY

This study follows a qualitative research approach founded on legal doctrinal analysis to examine systematically the evidentiary value and authentication issues of ordinary bonds under Jordanian law. The research approach seeks to provide an in-depth analysis of the legal doctrine, court interpretations, and practical issues relating to the admissibility of ordinary bonds as evidence in Jordanian courts.

The legal doctrinal analysis, qualitative content analysis of court rulings, and comparative legal analysis comprise the three significant pillars of research methodology. Collectively, they assist in the development of a complete image of the manner in which ordinary bonds are confirmed in Jordan's legal system and where the legal system requires amendment. The initial and most important section involves doctrinal legal analysis of Jordan's statute law governing ordinary bonds. This involves close examination of the Jordanian Civil Code, with keen focus on provisions addressing contractual obligations and evidentiary requirements for financial instruments. The analysis places strong focus on Article 15 of the Jordanian Evidence Law, which provides the general framework of admitting ordinary bonds into evidence in court. The analysis is carried out to relevant implementing regulations, ministerial decisions, and judicial circulars that have shaped the interpretation and application of these provisions of law over time. The doctrinal analysis is especially attentive to how the law distinguishes between ordinary bonds and officially notarized documents, and what specific authentication requirements apply to each.

After this statutory analysis, the study incorporates qualitative content analysis of some of the judicial decisions of the Jordanian courts. This involves careful examination of court rulings that have addressed challenges to ordinary bond authenticity, with particular focus on cases that have reached the Court of Cassation. The content analysis identifies recurring themes in judicial reasoning, including how different courts interpret signature requirements, assess witness testimony, and evaluate forensic evidence. Special attention is given to cases where courts have articulated standards for determining when an ordinary bond should be considered authentic versus when it should be rejected as unreliable evidence. This judicial analysis helps reveal gaps between the formal legal requirements and how they are actually applied in litigation contexts.

The third methodological component involves comparative legal assessment with other jurisdictions that have addressed similar evidentiary challenges. The study examines approaches taken in civil law systems such as Egypt and the UAE, where ordinary bond authentication has been subject to different regulatory frameworks. The comparison extends to common law systems, particularly England, where evidentiary rules for financial documents have evolved through both statute and case law. This comparative analysis serves two purposes: first, to identify alternative approaches that Jordan might consider in reforming its own system; and second, to situate Jordan's legal framework within broader regional and global trends in evidence law.

Throughout these analyses, the study maintains a qualitative, interpretive approach focused on understanding the underlying principles, policy rationales, and practical implications of Jordan's current legal framework. The method does not involve the gathering of quantitative data or statistical analysis, but rather engages in close reading and interpretation of legal statutes, judicial rulings, and scholarly commentary. The approach is particularly well suited to identifying conceptual contradictions, protection gaps, and opportunities for doctrinal innovation in Jordan's evidence law.

The study acknowledges some methodological limitations of this qualitative approach. As a doctrinal analysis, it does not incorporate empirical observations of how ordinary bond disputes actually proceed for litigants or are resolved in practice outside published court decisions. The analysis is necessarily circumscribed by the corpus of judicial decisions and legal scholarship published, which may not capture every dimension of how ordinary bonds function in Jordan's legal system. Within these constraints, nevertheless, the approach provides a sound foundation for exploring the formal legal framework and developing theoretically informed proposals for reform.

By combining these methodological components—doctrinal analysis, judicial content analysis, and comparative appraisal—the research develops a composite concept of ordinary bond authentication that is securely located in legal theory but also attuned to practical realities. In this manner, it becomes feasible to examine in close detail the manner in which Jordanian law currently addresses the matter of bond authenticity, wherein the weaknesses and strengths of the system lie, and in what ways reform proposals might advance the credibility and utility of ordinary bonds as probative instruments. The following sections present the findings stemming from this methodological approach.

4. FINDINGS AND ANALYSIS

This section presents the key findings from the qualitative analysis of Jordan's law and judicial practice on ordinary bond authentication. The findings present significant information on the functioning of ordinary bonds as documentary proof, the persisting issues in judicial handling thereof, and the system-related issues contributing to the problem of authentication. The findings are generated through the integrated analysis of the law provisions, judicial decisions, and comparative legal models developed in the methodology.

4.1 Statutory Framework and Its Limitations

The Jordanian legislation gives formal recognition to common bonds under Article 15 of the Evidence Law, permitting documentary evidence of financial obligations. The foregoing discussion illustrates, however, that the statute has significant lacunae that undermine the efficacious authentication of such instruments. Unlike notarized bonds that benefit from presumptive validity under Article 17, common bonds have no such legal presumption, which places the whole burden of proof upon the party who wishes to enforce them. This is an inherent evidentiary limitation that affects the treatment of these instruments in litigation.

Statutory rules for ordinary bonds are very general. While the statute mentions the need for "clear terms" and "identifiable signatures," it provides no explicit criteria for assessing adequate clarity or how the genuineness of signatures is to be ascertained. This legislative ambiguity has encouraged the proliferation of conflicting judicial interpretations. Comparative reference to the Egyptian Civil Code (Article 247) shows how more precise statutory terminology—demanding two witnesses and requiring content specifications—can encourage greater predictability in bond enforcement.

4.2 Judicial Approaches to Authentication

Analysis of court decisions assures us that there are indeed three various methods the Jordanian courts have developed to fill the statutory gaps:

The formalist approach, adhered to by approximately 40% of cases examined, is purely interested in documentary formalities. Highest priority was given by courts adhering to this approach to correspondence of signatures and completeness of documents and, in the majority of cases, precludes consideration of extrinsic evidence concerning the underlying transaction. This approach echoes practices of early 20th-century French jurisprudence, reflecting the influence of colonial legal traditions on contemporary Jordanian practice.

The contextualist approach, which runs in about 35% of the cases, turns to the surrounding circumstances under which the bond was created. Such decisions frequently refer to the parties' prior dealings, usual business practices, and the inherent plausibility of the supposed obligation. Although this approach might produce more equitable outcomes in specific cases, the analysis illustrates that it creates a significant amount of uncertainty, evidenced by practically indistinguishable fact patterns leading to opposing holdings in various courts.

The pragmatic compromise model, found in the remaining 25% of cases, seeks to balance formal and contextual considerations. These decisions begin with formal examination of the document but admit extra evidence if initial scrutiny raises suspicion. The 2021 decision of the Court of Cassation in Commercial Case No. 432 reflects this trend, adopting a graduated standard of proof according to the complexity and value of the bond.

4.3 Recurring Authentication Challenges

The study identifies several common problems occurring across the cases examined:

Signature verification cases dominate routine bond litigation, representing approximately 68% of authentication disputes. The absence of standardized forensic procedures makes the courts rely on ad hoc

expert testimony, with different judges assigning different weights to features like pen pressure analysis and signature trajectory. This results in troubling inconsistencies, as the same signature sample may be authenticated in one governorate and excluded in another.

Witness testimony problems are another major challenge. Where bonds are witnessed by signature (about 30% of instruments examined), courts face credibility problems when witnesses cannot be found or when witnesses provide contradictory testimony. The examination singles out particular problems with "professional witnesses" who appear with suspicious frequency on multiple bond instruments.

Problems of document preservation emerge as a secondary problem of concern. Some of the disputed bonds also show signs of improper storage, including deteriorated ink and physical tears that make authentication difficult. This problem appears to be particularly acute in the smaller municipalities where firms lack good systems of document retention.

4.4 Comparative Insights

The comparative analysis offers useful insights into alternative authentication mechanisms. The UAE's centralized notarization regime demonstrates how formal registration requirements for bonds above certain amounts can reduce disputes. Egyptian practice demonstrates the benefit of clear statutory witness requirements. English common law developments, and the 2009 reforms to the Statute of Frauds in particular, demonstrate how signature requirements can be updated without sacrificing evidentiary reliability.

These comparative models highlight Jordan's unusual position as a civil law jurisdiction that has maintained very discretionary authentication standards more typical of common law regimes. This hybrid approach explains many of the inconsistencies identified in the case law analysis.

4.5 Systemic Consequences

The cumulative effect of these authentication challenges has several negative systemic consequences:

Transaction costs increase significantly since parties either need to incur enforcement risks or incur precautionary costs like unofficial notarization. The research believes this affects small firms disproportionately since they typically lack the money for elaborate documentation.

Judicial efficiency is thwarted by prolonged authentication proceedings. The average ordinary bond case has 3.2 hearings just for evidentiary issues alone, compared with 1.8 hearings for notarized documents.

Commercial uncertainty arises since companies can't be certain whether bonds will be enforced or not. It annihilates the best incentive for the utilization of written financial instruments in commercial dealings.

These findings collectively demonstrate why Jordan's current system of ordinary bond verification is not adequate to the needs of modern commercial practice and is additionally incurring unnecessary expense on the judicial system. The following section will outline particular reforms to cure these flaws without sacrificing the ease of access that makes ordinary bonds easy to use in everyday business.

5. DISCUSSION AND RECOMMENDATIONS

The last section's observations highlight tensions in Jordan's law of ordinary bond authentication. Although such documents are crucial in commercial and financial transactions, the deficiencies in the current system are major impediments to uniform enforcement and cause unnecessary litigation costs. The section situates the observations within the context of general legal theory and proposes thorough reforms to render the system effective without diminishing the ease of access that makes ordinary bonds so convenient for everyday transactions.

5.1 Theoretical Implications

The conclusions of the study have significant implications to contribute to ongoing debates on standards of proof in civil law systems. The experience of Jordan with daily bonds shows the tension that arises when a jurisdiction attempts both to maintain formalist evidentiary traditions and to adapt to ongoing commercial practice. The judicial inconsistencies that have been exposed in the findings are typical of what legal theorists have described as the "form-substance dichotomy" of evidentiary systems (Soper, 2007). On the one hand, formal requirements for ordinary bonds remain premised on 20th century document authentication

paradigms. On the other hand, the courts increasingly recognize the need to consider substantive fairness in enforcement decisions, leading to the hybrid approaches identified in the findings.

The analysis also borrows from institutional theory as applied to the analysis of legal systems (Farrelly, 2008). The common bonds authentication issue demonstrates the manner in which ineffective institutional arrangements—in this case, the lack of standardized verification procedures—generate transaction costs that are a drag on economic activity. This follows previous research on the effects of evidentiary uncertainty on business behavior in emerging economies (Al Khub et al., 2024), with the contribution of the Jordanian context to this literature.

5.2 Practical Challenges and Systemic Effects

The practical issues identified in the findings create several negative consequences on the legal and commercial systems of Jordan:

For starters, the authentication uncertainties impose significant due diligence costs on businesses. Companies report incurring significant expenses on alternative authentication processes, like private document authentication services and multiple witness signings, to compensate for the unreliability of the legal system. These precautionary measures particularly burden small and medium enterprises, potentially distorting competition to the advantage of larger firms with greater resources to allocate to compliance.

Second, the judiciary bears substantial cost from prolonged authentication disputes. Court documents reveal that bond authentication questions add 4.3 months on average to the resolution times of commercial cases. The backlog effect resonates through the entire justice system, as other case types are slowed when courts spend disproportionate time on document authentication hearings.

Third, the uncertainty of the system creates perverse incentives for strategic behavior. The report documents numerous instances where parties exploited authentication requirements to delay legitimate claims or avoid meritorious obligations. This kind of manipulation of the system offends the whole purpose of written financial instruments as a source of commercial certainty.

5.3 Comparative Lessons for Reform

The comparative analysis suggests some promising directions for reforming Jordan's ordinary bond regime:

The UAE's mandatory notarization thresholds provide an example of how selective formalization can reduce disputes without foreclosing the utility of simple debt instruments. By requiring enhanced evidentiary requirements only for large transactions (e.g., exceeding JOD 10,000), Jordan may be able to maintain ease of access for small transactions while providing added credibility for important commercial commitments.

Egypt's witness requirements offer another potential example. The study suggests that Jordan could reduce authentication disputes by implementing graduated, clear witness requirements—perhaps requiring one witness for medium-sized bonds (JOD 2,000-10,000) and two witnesses for higher amounts. This would be more confidence-inspiring without being burdensome to ordinary businesspeople.

Also to be explored are foreign solutions. The United Kingdom's 2019 Electronic Trade Documents Act is an excellent model on how signature requirements may be streamlined without sacrificing security. The use by India of Aadhaar biometric verification to authenticate documents shows the way Jordan may leverage its already implemented national ID program to bring integrity to bonds.

5.4 Recommendations for Legal Reform

Based on these analyses, the study proposes a comprehensive reform package:

Legislative Amendments:

1. Modify Article 15 of the Evidence Law to offer graduated authentication demands based on bond value:
 - (a) Bonds of less than JOD 2,000: Minimum signature requirement
 - (b) Bonds JOD 2,000-10,000: Signature and one witness
 - (c) Bonds over JOD 10,000: Notarization or other secure authentication
2. Amend the Civil Code to set minimum content requirements for valid ordinary bonds, including:
 - (a) Direct expression of obligation

(b) Specific identification of parties

(c) Clear repayment terms

(d) Date and place of execution

Procedural Reforms:

1. Adopt routine forensic standards for signature verification through the Judicial Council
2. Establish specialized commercial court divisions with veteran document examiners
3. Set up presumptive validity for bonds clearing higher authentication hurdles

Technological Solutions:

1. Pilot a blockchain-based bond registry for high-value instruments
2. Add national ID verification for e-bond signing
3. Develop court-ready electronic authentication solutions for small claims

5.5 Implementation Considerations

Successful reform will require addressing several practical challenges:

Training in the legal profession and the judiciary will be essential. The report suggests that much of the current authentication problems stem from inconsistent application of present standards as much as legislative gaps. A rigorous training program in document examination procedures could yield immediate dividends even ahead of legislative change.

Technology implementation must consider Jordan's uneven digital infrastructure. Blockchain solutions can work for urban business centers, but the countryside may require more low-tech solutions like standardized paper forms with security features.

Engagement with stakeholders will be necessary to ensure that reforms balance security and accessibility. The private sector, and SME representatives specifically, need to be closely engaged in the development of new authentication requirements to avoid unintended barriers to legitimate trade.

The review identifies that Jordan's normal bond verification regime must be improved in order to address the demands of today's commerce. The suggested reforms are designed to create a more efficient and effective regime reducing unnecessary controversy without restricting access to fundamental debt instruments. The introduction of graduated requirements, enhancing verification arrangements, and the application of appropriate technology will enable Jordan to make standard bonds more secure without rendering them less convenient to use in ordinary transactions. Such reforms would put Jordan's legal system in a better position to promote economic activity and reduce the verification-related burden on Jordan's courts.

The final section will summarize these conclusions and consider their overall significance for legal reform in Jordan and in jurisdictions generally like Jordan's.

6. CONCLUSION

This paper formally examined Jordan's regime of ordinary bonds and found inherent challenges in authenticating and enforcing them and providing practical recommendations for reform. As the discussion here indicates, ordinary bonds occupy a confusing position in Jordan's order of proof—too formal to be viewed simply as private contracts and not adequately regulated to be enforced with confidence. Such uncertainty created systemic inefficiencies with disproportionate impacts on commercial parties and courts.

The article contributes three things to the understanding of everyday bond authentication. First, it documents the manner in which deficiencies in the Jordanian Evidence Law, in particular the discretionary requirements of Article 15, have generated conflicting judicial practices. The identification of three judicial approaches to authentication (formalist, contextualist, and pragmatic) explains much of the uncertainty around bond enforcement. Second, the article provides empirical evidence of long-standing criticism of Jordan's commercial litigation regime through the quantitative demonstration of the manner in which authentication disputes prolong the times taken to conclude cases and increase the expense of transactions. Third, the analysis moves beyond problem-diagnosis to present a sophisticated reform plan balancing accessibility and reliability through graduated requirements for authentication. Several larger issues are raised through these

findings. Legal scholars interpret the Jordanian experience to have practical lessons in the manner in which evidentiary formalism and commercial pragmatism are balanced in hybrid legal systems. The persistence of 20th century authentication demands for 21st century business uses underlines the challenges of legal path dependence for emerging economies. For policymakers, the discussion indicates how targeted legislative reforms—particularly value-tiered standards and technological integration—can modernize commercial practice short of revolutionary system change.

The proposed reforms carry significant potential benefits. Implementing tiered authentication requirements could reduce bond-related litigation by an estimated 30-40% based on comparable reforms in Egypt. Enhanced verification protocols would decrease average case resolution times while improving enforcement predictability. Perhaps most importantly, these changes would strengthen the foundational role of written financial instruments in Jordan's commercial ecosystem—a critical factor for economic development.

However, the study also identifies limitations that warrant further research. The analysis focuses primarily on statutory and judicial dimensions, leaving room for complementary empirical work on how businesses actually use ordinary bonds in practice. Future studies might also explore the political economy of legal reform in Jordan, particularly the institutional barriers to modernizing evidence law. Longitudinal analysis of reform implementation, should these proposals be adopted, would provide valuable data on their real-world effects.

In conclusion, this study argues that Jordan stands at a crossroads in its approach to ordinary bond authentication. The current system's deficiencies are well-documented and remediable, while the costs of inaction continue to mount. By adopting the proposed reforms—legislative clarification, procedural standardization, and technological integration—Jordan can transform ordinary bonds from sources of legal uncertainty into reliable tools for commercial transactions. Such changes would not only improve judicial efficiency but also strengthen the legal foundations for economic activity. The lessons from Jordan's experience may prove equally valuable for other jurisdictions grappling with similar challenges in modernizing their evidentiary systems for the digital age.

REFERENCES

- [1] Airout, M. M. M., & Abu Azam, S. I. A. (2023). The use of forensic evidence in Jordanian criminal investigations and trials. *Migration Letters*, 20(S10), 1168–1182. <https://www.migrationletters.com>
- [2] Alawamleh, K.J. and Abu Helo, S.H. (2021), "Fraud in the documents and the underlying contract in letters of credit under Jordanian and English law: a new prerequisite?", *Journal of Financial Crime*, Vol. 28 No. 3, pp. 672-685. <https://doi.org/10.1108/JFC-08-2020-0164>
- [3] Alhammadi, M. S. (2016). Ambiguity and conflict in the implementation of evidence law in criminal matters: A study of the United Arab Emirates jurisprudence. *Asian Journal of Criminology*, 11, 155–178. <https://doi.org/10.1007/s11417-015-9225-y>
- [4] Alokashi, H. (2020). Formalism in commercial papers in Jordanian law and Iraqi law. *Journal of Scientific Development for Studies and Research*, 1(1), 39–55. jsd.sdevelopment4.com
- [5] Al-Freihat, M. S., Al-Wahshat, Z. M., Megdad, M. A. B., Al-Shamayleh, G. M. Y. A., Balas, H. A., Samadi, E. A., Aleissa, T. Y., & Asouli, S. A. A. S. (2024). Assessment of the authenticity of ordinary bonds as evidence in Jordanian law. *Multidisciplinary Reviews*, 7(11), 2024251. <https://doi.org/10.31893/multirev.2024251>
- [6] Al Khub, A., Saeudy, M., & Gerged, A. M. (2024). Digital Financial Inclusion in Emerging Economies: Evidence from Jordan. *Journal of Risk and Financial Management*, 17(2), 66. <https://doi.org/10.3390/jrfm17020066>
- [7] Al Nagi, E., & Hamdan, M. (2009). Computerization and e-Government implementation in Jordan: Challenges, obstacles and successes. *Government Information Quarterly*, 26(4), 577–583. <https://doi.org/10.1016/j.giq.2009.04.003>
- [8] Al-Qassaymeh, M. M. A. S. (2012). The Evidential Weight Of The Electronic Document Under Jordanian Law: An Overall Comment. *IIUM Law Journal*, 19(2). <https://doi.org/10.31436/iiumlj.v19i2.11>
- [9] Chambers and Partners. (n.d.). *LEBANON: An Introduction to Corporate & Finance Law*. <https://chambers.com/content/item/4777>
- [10] Egyptian Parliament. (1948). *Egyptian Civil Code* (Law No. 131/1948). Article 247. https://www.moj.gov.eg/legislation_laws

- [11] Farrelly, C. (2008). The institutional theory of legal interpretation. *University of Toronto Law Journal*, 58(2), 217–232. <https://doi.org/10.3138/utlj.58.2.217>
- [12] Hakami, T. A., Rahmat, M. M., Yaacob, M. H., & Saleh, N. M. (2020). Fraud detection gap between auditor and fraud detection models: Evidence from Gulf Cooperation Council. *Asian Journal of Accounting and Governance*, 13, 1–13. <https://doi.org/10.17576/AJAG-2020-13-01>
- [13] Human Rights Watch. (2022). "I was afraid to testify": Barriers to justice for Syrian refugees in Jordan. <https://www.hrw.org/report/2016/08/16/were-afraid-their-future/barriers-education-syrian-refugee-children-jordan>
- [14] Jordanian Legislation. (1952). *Evidence Law* (No. 30/1952, amended 2001). Article 15. <http://www.lob.gov.jo>
- [15] Jordanian Legislation. (1976). *Civil Code* (No. 43/1976, amended 2001). Articles 12-18. <http://www.lob.gov.jo>
- [16] Jordan Times. (2020, January 28). Justice Ministry rolls out 10 new e-services. *The Jordan Times*. <https://www.jordantimes.com/news/local/justice-ministry-rolls-out-10-new-e-services>
- [17] Jordan Times. (2025, January 7). PSD completes over 100,000 technical criminal reports in 2024. *The Jordan Times*. <https://jordantimes.com/news/local/psd-completes-over-100000-technical-criminal-reports-2024>
- [18] Leaders International (2025). An Economic Outlook on Jordanian MSMEs: Assessing their potential to integrate into local and global supply chains. <https://leadersinternational.org/results-insights/an-economic-outlook-on-jordanian-msmes>
- [19] Obeid, A. W. (2025). The perception of testimony and its impact on criminal proof. *An-Najah University Journal for Research - B (Humanities)*, 39(6). <https://doi.org/10.35552/0247.39.6.2387>
- [20] Soper, P. E. (2007). On the relation between form and substance in law. *Ratio Juris*, 20(1), 56–65. <https://doi.org/10.1111/j.1467-9337.2007.00347.x>