

The Right of Dual Citizenship to Vote and Run as Candidate for The House of Representatives in Jordanian Law

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Abstract

This study aims to clarify the legal texts regulating the right of dual nationals to vote and run for parliament, by defining dual nationality, and clarifying the right of dual nationals to exercise their right to vote and run for membership in the House of Representatives according to Jordanian legislation and some comparative legislation. The study concludes that the right of dual nationals to exercise their political right to vote and to run for Parliament in Jordanian law results in many problems because of the absence of texts regulating its rule, and because some texts of these laws contradict with the Constitution. Therefore, the study calls on the Jordanian legislator to set up a clear mechanism regulating the right of dual nationals to vote and run for Parliament. In preparing this study, the descriptive approach and the analytical method were relied on, as well as the comparative method. This study is divided into three approaches: the first approach: the definition of dual nationality, the second approach: the right of dual nationality to elect members of the House of Representatives, the third approach: the right of dual nationality to run for membership in the House of Representatives.

Keywords

Dual Citizenship, the Right to Vote, the Right to Run for Office, the House of Representatives.

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Introduction

The Universal Declaration of Human Rights issued on the tenth of December 1948 stipulated that everyone has the right to a nationality (Badawy, 2014). Also, Article (1) of the Hague Convention on issues of conflict of laws over nationality of 1930 (Bauböck, 2002). also stipulates that each state may determine by virtue of its law who its citizens are. As stated in the preamble to the Hague Convention itself that: "It is in the general interest of the international community to work to ensure that the rest of its members recognize that everyone must have one nationality and have only one nationality, and that the ideal that humanity must follow is the elimination of the problem of multiple nationalities and lack thereof". Based on these international texts, the Jordanian legislator organized the provisions of nationality in Law No. 6 of 1954 and its amendments, and indicated who has the original nationality, and who acquires nationality by dependence or by acquisition. Undoubtedly, when applying the provisions of the law, cases of dual nationality may appear for individuals, which results in the acquisition of many rights that may raise problems when exercising them, such as the right to vote and run for Parliament. When looking at the texts of the Jordanian Constitution of 1952 and its amendments, and some Jordanian laws, we note that they expressly stipulate the permissibility of dual citizenship, even for those who hold some high positions in the state such as the legislative authority and the executive authority, and even the judiciary authority, which raises the question about the extent to which the Jordanian legislator is aware of the danger of allowing dual nationals to hold these sensitive positions because they are linked to the sovereignty of the state.

The Study Problem

Dual citizenship raises many problems, especially when dual nationals exercise their right to vote and nominate for the House of Representatives, which would affect the sovereignty and security of the state, given the seriousness of the tasks exercised by the incumbent of these positions, and the fateful decisions that result from them that often are directly related to the higher interests of the state and its self-determination. Perhaps the insufficiency of legal texts regulating the right of dual nationals to vote and be nominated for membership in the House of Representatives is the main point of the problem of this study. The Jordanian legislator neglected to regulate the right to vote for foreign women who obtained Jordanian nationality because of her marriage to a Jordanian, as this woman retains her foreign nationality, which makes her obtain double nationality, which raises the question of her right to elect members of the House of Representatives. The second problem relates to the right of dual nationals to run for membership in the House of Representatives. On the one hand, it is noted that the House of Representatives Election Law of 2016 prevents dual nationals from running for membership in the House of Representatives, while the constitution does not prevent them from this right. As well as launching the right of dual nationals to exercise their right to run for membership in the House of Representatives without restrictions and without any mechanism to regulate it.

Many questions arise from this problem, the most important of which are:

1. Does a dual national have the right to exercise his right to vote and run for Parliament, just like a person with a single nationality? Are there certain restrictions that prevent him from exercising his political right?
2. Is the constitutional legislator considered successful in organizing the right of dual nationals to vote and run for membership in the Jordanian House of Representatives? Is this regulation sufficient, or does it need other texts?
3. Was the Jordanian legislator aware of the problems that the dual national would face when he/she wins a parliamentary seat and assumes his sovereign duties in parliament, as exercising these functions may be fraught with risks, so did the legislator adopt solutions to them?

Objectives of the Study

This study aims to clarify the texts regulating the right to vote and nominate for membership in the Jordanian House of Representatives, with an indication of the most prominent problems that may face dual nationals when exercising their right to vote and to run for Parliament.

Importance of the Study

From reading the texts contained in the constitution and many laws related to regulating the right to vote and nominate for the House of Representatives, it is noted that the Jordanian legislator adopted the principle of dual nationality without establishing a specific mechanism for its precise regulation in a manner that preserves the rights of the state and the rights of the Jordanian citizen without discrimination. Without regulation, many legal problems arise, especially since the exercise of these rights is related to the sovereignty and national security of the state.

Study Approach:

When preparing this study, the researchers adopted the descriptive and analytical approaches, and when addressing the legislation of other countries, the comparative approach is adopted.

Study Division:

This study is divided into three approaches: the first approach: the definition of dual nationality, the second approach: the right of dual nationality to elect members of the House of Representatives, the third approach: the right of dual nationals to run for membership in the House of Representatives.

The First Approach

Definition of Dual Nationality

Fiqh uses expresses dual nationality in various terms, as it uses the term "multiple nationalities", the term "positive conflict of nationalities", and the term "accumulation of nationalities" (Bosniak, 2001). Legislators of some countries use the term multiple nationalities (Brilmayer, 1991). All of these terms have the same meaning, so the discussion will be limited when defining the use of the term dual nationality. The jurisprudence defines dual nationality with convergent definitions, although their formulation differs, as part of the jurisprudence defines dual nationality as: "A person who enjoys more than one nationality, and becomes national in more than one country" (Carens, 2005). Or it is: "A person who enjoys more than one nationality according to the law of two countries or more" (Fadel, 2010). Or it is: "A certain person who has the nationality of more than one country in a valid manner, in accordance with the laws of these countries" (Cheshire, 1935).

The term "enjoy" appears to be figurative, because it usually refers to the use of a material thing. As for the term nationality, although it is not a material thing, a person benefits from it by benefiting from the rights granted to him by the state granting citizenship and thus distinguishing him from the foreigner. Another aspect of jurisprudence defines dual nationality as: "A legal situation in which the same person has the nationality of two or more countries, so that he is legally considered a national of each country whose nationality he enjoys, regardless of whether the nationalities were multiple without the person's will or if his will had a role in that" (Hammar, 1985).

Another definition is that: "Dual nationality is a legal situation in which the same individual has the nationality of more than one country at the same time, so that he is legally considered one of the nationals of each country whose nationality he enjoys, whether his will is expressive or assumed" (Hanley, 2016). A third defines it as: "A legal situation in which the same person has the nationality of two or more countries so that he is legally considered a national of each country of which he enjoys its nationality, regardless of whether the nationalities he holds have been multiplied by the person's will or against his will" (Humphrey, 1986). The similarity between the previous definitions is noted, as dual nationality is defined as a legal situation in which the same person has the nationality of more than one country, regardless of whether the will of this person has a role in obtaining these nationalities or not.

Close to these definitions is the definition provided by one of the commentators, as he stated that multi-nationality is: "a situation in which a person is considered at the same time a citizen under the laws of more than one country" (Jones-Correa, 2001). Another aspect of jurisprudence went to the effect that dual citizenship is: "the simultaneous affiliation of an individual to two sovereign states" (Koslowski, 2003). What is wrong with this definition is that it did not indicate the nature of affiliation to the two states. A person's affiliation with these two countries is based on the nationality

he holds, and the other thing is that he limits a person's affiliation to only two countries, while a person may hold more than two nationalities. Another aspect of jurisprudence (Mazawi, 2002) differentiates between dual nationality and multiple nationalities, defining dual nationality as: "a person who enjoys the nationality of two countries, while multiple nationalities means that a person possesses the nationality of more than two countries."

The two meanings seem to be synonymous, so there is no need to differentiate between dual nationality and multiple nationalities, as we say to a person married to two wives who are polygamous, so we say to a person married to three or four women who are polygamous. On the other hand, it is noted in this definition that the term "enjoyment" is used for a person holding two nationalities, and the term "possession" for a person holding more than one nationality. We believe that there is no need for this distinction because they carry the same meaning. This is evidenced by what was stated in the European Convention on Nationality of 1997, which used the term "multi-nationality" to denote dual nationality and multiple nationalities. Article (2/b) of the Convention stipulates that multi-nationality is: "The simultaneous possession of two or more nationalities by the same person" (Michalopoulos & Hicks, 2019).

A person's possession of two or more nationalities at the same time apparently means that a person holds these nationalities at the same time. For this reason, some jurisprudence defines dual nationality as: "A person who legally holds more than one nationality at a specific moment in time according to the law of two or more countries" (Ostrand, 2015). When looking at Jordanian legislation, we note that it did not address the definition of dual nationality, and the reason for this is that setting definitions is one of the tasks of jurisprudence and not of the legislature. As for foreign legislation, we find that some laws have been exposed to the definition of dual nationality. The Nationality Law of Burundi issued on July 18, 2000 defined dual nationality in Article (1/4) as: "A legal situation whereby an individual acquires a second nationality in addition to his original nationality" (Prendergast, 2020).

It is understood from this definition that a dual national must hold two nationalities, one of which is original and the other acquired, while a dual nationality can acquire two original nationalities, especially for dual nationality by birth. Perhaps limiting the definition of dual nationality to a person who has two nationalities is what appears on the doctrinal level. On the legal level, it seems that many laws adopt the term multinational, despite the fact that there are few people who hold it in reality compared to people who have two nationalities. The Jordanian legislator uses the term "multiple nationalities" and the term "double nationality." Article (26) of the Jordanian Civil Law No. 43 of 1976 states: "The court shall determine the law to be applied in the case of ... those who have multiple nationalities ... that persons for whom Jordanian nationality and the nationality of another foreign country are simultaneously proven, Jordanian law is the one that must be applied" (Rubio-Marín, 2006). Dual citizenship raises many problems, especially with regard to the exercise of political rights, as it is one of the issues related to the sovereignty of the state. But we will not deal with all these political rights, but we will deal with the right to elect members of the House of Representatives (in the second requirement) and the right to run for membership in the House of Representatives (in the third requirement).

The Second Approach

The Right of Dual Citizenship to Elect Members of the House of Representatives

Elections are the primary means by which people qualify to participate in the management of the public affairs of their countries, which in turn is considered a basic human right (Saleh et al., 2018). Elections are a constitutional procedure for choosing an individual (such as the president of the country), or a group of individuals (such as electing members of the House of Representatives). Also, elections are a general right of citizens, and the authority has no right to deprive it of exercising it as long as it fulfills the conditions stipulated by the constitution and the relevant laws regulating the right to vote. The House of Representatives Election Law No. 6 of 2016 stipulates in Article (3/a) that: "Every Jordanian who has reached eighteen solar years of age ninety days before the date set for conducting the poll has the right to elect members of the House of Representatives in accordance with the provisions of this law (Schuck, 2000). It is noted that there is no disagreement in the Jordanian electoral law over the right of a single national, or dual national, to elect candidates for membership in the House of Representatives. Article (13/3) of the Jordanian Nationality Law No. 6 of 1954, which states: "A certificate of naturalization of

Jordanian nationality shall not be granted to any person unless by this naturalization he loses the nationality to which he was affiliated on the date of this naturalization." As for the foreigner who obtained a Jordanian citizenship because of her marriage to a Jordanian, it is noted that the Jordanian Nationality Law did not require that she renounce her citizenship, (Shuayb, 2015) and therefore she has dual citizenship. In this regard, the question arises about the right of this woman to exercise her right to elect members of the House of Representatives, similar to that of a Jordanian citizen with dual citizenship? When looking at the Jordanian constitution in force, it is noted that it did not address this issue, all that is required is that it specified who is entitled to run for membership in the House of Representatives. Article (75/1) stipulates that: "A person who is not Jordanian shall not be a member of the Senate and House of Representatives."

In addition, the Jordanian Nationality Law No. 6 of 1954 and its amendments provided only the right of a naturalized person to run for political and diplomatic positions, and public positions determined by the Council of Ministers, or to be a Member of Parliament until ten years after acquiring Jordanian citizenship (Sloane, 2009). The Jordanian House of Representatives Election Law No. 24/ of 1960 explicitly provided for preventing dual nationals from the right to vote. Article (3/b) stipulated the following: "The right to vote is deprived of (a) from He was not Jordanian. (B) A person who claims to have a foreign nationality or protection" (Smith, 1978). Likewise, the electoral laws subsequent to the 1960 electoral law did not address the regulation of this issue (Spiro, 1997). In the face of this legal vacuum, and based on Article (3/a) of the 2016 Election Law, which grants every Jordanian who has reached the legal age the right to elect members of the House of Representatives, and based on Paragraph (C) of Article (3) of the same law, which deprived a certain group from exercising the right to vote, (Spiro, 2010) not including the foreign woman who became Jordanian by marrying a Jordanian and did not relinquish her original nationality. It can be said that this woman has the right to elect members of the House of Representatives, as is the case with a single or a dual national Jordanian. Therefore, in order to prevent jurisprudence that may lead to a difference in rulings, we believe that the Jordanian legislator introduces a text in the election law for the House of Representatives that allows the foreign wife of a Jordanian who has obtained Jordanian citizenship, and has not given up her nationality, the right to vote, similar to that of a Jordanian citizen with dual citizenship.

In contrast to the Jordanian law, which did not address regulating the right of a foreign woman who became Jordanian by marrying a Jordanian and did not relinquish her nationality to exercise her electoral right, there are laws that permit a foreign woman who obtained the nationality of her husband and did not relinquish her nationality to vote. It was stated in Article (5) of the Lebanese Parliament Election Law No. 44/ of 2017, that: "It is not permissible for a naturalized Lebanese to vote... except after ten years have passed since the implementation of the decree of naturalization, and this article does not apply to foreign women, who become Lebanese by marrying a Lebanese" (Stahnke & Blitt, 2004). It is clear from this text that the foreign woman who became Lebanese because of her marriage to a Lebanese man is in a better position than the foreigner who has acquired the Lebanese nationality when exercising the right to vote. If the Lebanese electoral law differentiates between a naturalized foreigner with Lebanese nationality and a naturalized foreigner because of her marriage to a Lebanese, she has the right to vote, some laws restrict the right of naturalized people to vote without discrimination, as they require a certain period of time to pass since their acquisition of nationality. For example, Article (3) of the Yemeni General Elections and Referendum Law No. 13 of 2001 states: "Every citizen who has reached the age of eighteen full solar years shall have the right to vote, with the exception of the naturalized who has not acquired the Yemeni nationality for the period specified by law" (Stigall, 2007). This text also includes a foreign woman who has become Yemeni by marrying a Yemeni and has not given up her original nationality, that is, she has become a dual national.

Article (13) of the Egyptian Law No. 45 of 2014 regulating the exercise of political rights stipulates that: "Every male and female who has the right to exercise political rights, male and female, must be registered in the voter database, unless at least five years have passed since acquiring it" (Welchman, 1988). This text is consistent with what is stated in Article (9) of the Egyptian Nationality Law No. 26/ of 1975 and its amendments, as it does not allow the naturalized Egyptian to exercise the right to vote until after five years from the date of acquiring Egyptian nationality (Yntema, 1953). This provision also applies to a foreign woman who has naturalized Egyptian nationality because of her marriage to an Egyptian. It appears that the Egyptian Nationality Law differentiates in this aspect between the right to vote and the right to stand for election for a foreigner who has been naturalized with Egyptian nationality. With regard to the right to vote, the naturalized person has the right to exercise it after five years from the date of acquiring this

nationality. As for the right to stand for election, he has the right to do so after ten years from the date of acquiring the Egyptian nationality (Young, 1989). The Egyptian legislator has done well in this behavior, which differs from the Jordanian legislator's behavior in the Jordanian Nationality Law, as it stipulates the right of the naturalized to be nominated, and neglects the right of the naturalized to elect members of the House of Representatives as previously explained.

The Third Approach

The right of dual nationals to run for membership in the House of Representatives

Article (75/1) of the Jordanian constitution issued in 1952 (De Groot, 2000) stipulates that: "shall not be a member of the Senate and House of Representatives (A) a person who is not Jordanian (b) a person who claims a foreign nationality or protection (Kerikmae, 1997). With regard to paragraph (a) of Article (75/1), it is clear that a non-Jordanian does not have the right to be a member of the House of Representatives, because he is a guest and is subject to the law of the host country, and he does not have the right to set the laws of this country or elect a person who makes these laws (League, 1930). A non-Jordanian enjoys this right in his country of which he holds the nationality. As for paragraph (b) of Article (75/1), opinions differed about it, as the opinion goes that the meaning of the phrase "who claims foreign nationality or protection" is that the law does not prevent a citizen from holding a foreign nationality in addition to Jordanian nationality from running for membership of The House of Representatives, but the one who is prevented is the one who is empowered by the foreign nationality, and said, "My nationality is such or such" (Tiryakioğlu, 2006).

Another opinion is that: Dual nationals are not entitled to run for membership in the House of Representatives, because by doing so, there will be a conflict of interest among them in dealing with national issues if they succeed (Badawy, 2014). In confirmation of this, in 2003 the Jordanian government had previously rejected the application submitted by a person to run for membership in the House of Representatives, because he holds the American citizenship. At the time, the government relied on the text of Article (75/1) with its paragraphs (A and B) of the Constitution, and on Article (8) with its paragraphs (A, B) of the 2010 temporary election law, which requires the applicant to apply for candidacy for membership in the House of Representatives, (a) to have been Jordanian for at least ten years, (b) not to claim foreign nationality or protection (Bauböck, 2002). It appears that the ambiguity of the text contained in Article (75/b) is what led to the difference in its interpretation, in the absence of an official interpretation.

What we see is that running for membership of the House of Representatives is the right of every Jordanian citizen, and it does not matter after that whether he holds no other nationality or holds alongside it the nationality of another country, and it also does not matter if he was a foreigner before that and then naturalized with Jordanian nationality, the important thing is that he is Jordanian (Bosniak, 2001). Evidence for the correctness of our statement:

1. What we see in reality from the candidacy of members of the House of Representatives who hold foreign nationalities in addition to Jordanian nationality.
2. The constitutional legislator resorted in the 2011 constitution to amending the text of Article (75/1) to be clearer by forbidding a dual national from being a member of the House of Representatives (Brilmayer, 1991).
3. After the issuance of the amended constitution for the year 2011, one of the representatives submitted his resignation from the membership of the House of Representatives to the General Secretariat of the House of Representatives for holding Canadian citizenship in addition to Jordanian citizenship (Carens, 2005). If the previous provision in the constitution did not prohibit dual citizenship, this resignation would not have been submitted.

During the period of entry into force of the 1952 Constitution, and prior to its amendment in 2011, several laws were issued to elect the House of Representatives:

The House of Representatives Election Law No. 24 of 1960 was issued (Cheshire, 1935), which allowed a Jordanian to run for membership in the House of Representatives after five years. Article (18/a) stipulated that: "The candidate must have been Jordanian for at least five years and not He claims to have foreign citizenship or protection, which indicates that this law did not prevent a dual national from running for membership in the House of Representatives. The House of Representatives Election Law No. 22/ of 1986 (Fadel, 2010), Article (8) specified the conditions that must be met by a candidate for membership in the House of Representatives, as it stated

that: "A candidate for membership in the House of Representatives: (a) shall be Jordanian for at least years (b) not to claim foreign nationality or protection". Subsequent elections laws for the House of Representatives followed approximately this form (Hammar, 1985). All of them are in accordance with Article (75/1) of the 1952 Constitution and its amendments before 2011. Several amendments were made to the basic constitution of 1952 that did not affect Article (75/1) except in 2011. In the amended constitution of 2011 (Hanley, 2016), the Jordanian constitutional legislator turned to reformulating the controversial text contained in Paragraph (b) of Article (75/) 1) for the text to be as follows: A person who holds the nationality of another country shall not be a member of the Senate and the House of Representatives, instead of the phrase: "whoever claims foreign nationality or protection".

And based on the amended constitution of 2011, the House of Representatives Election Law No. 25 of 2012 was promulgated. This law prohibited the applicant for candidacy for membership of the House of Representatives from holding a foreign nationality in addition to Jordanian nationality, as Article (10) stipulated that: "for membership in the House of Representatives, the person: (a) must have been Jordanian for at least ten years, and (b) he must not hold the nationality of another country." Thus, full compatibility was achieved between the amended constitutional text of 2011 and the legal text.

In the amended constitution of 2014 (Humphrey, 1986) the text of Article (75/1) remains unchanged, depriving a dual national from exercising his right to run for membership in the House of Representatives. And the situation remained unchanged even with the issuance of Election Law No. 6 of 2016 (Jones-Correa, M. (2001), Article (10) stipulates that: "Anyone to run for membership in the House of Representatives must meet the following conditions: (a) He has been Jordanian for at least ten years. (B) Not to hold the nationality of another country". In May 2016, the amended Jordanian constitution for the year 2016 was issued (Koslowski, 2003) the Jordanian constitutional legislator worked on amending Article (75/1) of the 2011 constitution, after deleting paragraph (b) from it to become as follows: "He shall not be a member of both Upper and Lower Houses (a) who is not Jordanian".

It is noted that there is a conflict between Article (10) of the Jordanian Election Law of 2016, which does not allow a Jordanian with dual nationality, to be a member of the House of Representatives, and Article (75/1) of the amended Constitution of 2016, which permits him to do so. Given the supremacy of the constitution over legislation, and because the amended constitutional text came after the legal text, the constitution cancels every legal text that contradicts it. Therefore, paragraph (b) of Article (10) of the House of Representatives Election Law for the year 2016 has become repealed under Article (75/1) of the amended Constitution of 2016. Based on the new constitutional text, a Jordanian has the right to run for membership in the House of Representatives, whether he holds Jordanian citizenship only or holds alongside it the citizenship of another foreign country (Mazawi, 2002).

Through this presentation, it is clear that the constitutional legislator gave dual nationals the right to run for membership in the House of Representatives. In this regard, the question arises about the reasons that prompted the constitutional legislator to allow dual nationals to run for membership in the House of Representatives. There are many reasons that were adopted by the House of Representatives (Michalopoulos et al., 2019) in addition to the existence of many reasons that were adopted by jurisprudence. Perhaps the most prominent of them are:

1. The constitution in force does not include any condition that prevents a Jordanian with dual nationality from exercising his right to be a candidate for membership in the House of Representatives. The conditions for membership in the House of Representatives specified in Article (75/1) of the Constitution, not including a single condition expressly prohibiting Jordanian dual nationals from Exercising his right to run for membership in the House of Representatives (Ostrand, 2015).
2. Embodying the principle of equality and equal opportunities among Jordanians stipulated in Article (6/1) of the Constitution.
3. He treats a dual national in his country as a patriot, and he does not look at the other nationalities he holds (Prendergast, 2020).
4. A dual national enjoys diplomatic protection from every country to which he belongs with his nationality against a third country, and he does not enjoy this protection against any country to which this person belongs (Rubio-Marín, 2006). The behavior of the amended constitution for the year 2016 is not different from the behavior of many Arab constitutions and legislations. Article (102) of the Egyptian Constitution issued on January 18, 2014 stipulates that: "... a candidate for membership of the House (i.e. the House of Representatives), he must be Egyptian...", as stated in

Article (1/8) of the Egyptian Parliament Law No. 46 of 2014 that: "Anyone who runs for membership of the House of Representatives must be Egyptian" (Saleh et al., 2018). Contrary to these justifications, some of the jurisprudence went to rejecting the recognition of dual nationals of the right to run for membership in the House of Representatives, based on many arguments, including:

1. The application of the principle of equality as a justification for granting dual nationals the right to run for membership in the House of Representatives is a justification that does not amount to relying on it, because equality between citizens in this case does not exist between unequal in legal positions (Schuck, 2000), in the sense that equality does not exist between Jordanians with dual nationalities, and another Jordanian who only holds his Jordanian nationality. A Jordanian with dual national is in a better position than a Jordanian who does not hold another nationality.

2. Granting a dual national the right to run for membership in the House of Representatives contradicts the principle of loyalty. In this, jurisprudence (Shuayb, 2015) sees that the concept of nationality means that it is an association between an individual and a state, in which the individual owes his loyalty to the state to which he belongs with his nationality, and in return the state must protect him if he is exposed in another state to any prejudice or infringement, and this means that the person who belongs to two countries by virtue of having two nationalities will be of multiple loyalty with multiple nationality.

3. The oath that a member of the House of Representatives takes before commencing his work, it is not envisaged that the king and the country will have a partnership with others (Sloane, 2009). In this, one of the Senates said: "The oath is a sacred act, when it is in the presence of His Majesty, for the oath is not a protocol. Rather, my heart, conscience, and mind are focused on commitment to the meaning of what I say, so if I swear allegiance to Jordan, my mind cannot comprehend that I also swore allegiance to another country (Smith, 1978). The existence of dual nationality leads to a semi-conflict or conflict of interest, especially if there is a mismatch between the two countries of which a person holds their nationality, for example when a war breaks out between these two countries, on which side will this person stand? (Spiro, 1997) Perhaps the opinion rejecting the right of dual nationals to run for membership in the House of Representatives is worthy of consideration for the strength of his arguments, as the constitutional text in its current state violates the principle of equality between Jordanians established by the Jordanian constitution. The legislator permits dual citizenship when running for membership in the House of Representatives, but it does not permit it for members of the Independent Election Commission (the Commissioners and the Secretary-General) (Spiro, 2010). In order to avoid violating the principle of equality between Jordanians, we see a return to the amended constitution of 2011, which stipulated in Article (75/1/b) that it is not permissible for anyone who holds the nationality of another country to run for membership in the House of Representatives.

Conclusion

After we finished this study, we reached many results and recommendations, which we hope will find a place in the application, and they are as follows:

First: the results

1. The study revealed that the Jordanian legislator does not explicitly stipulate in the nationality law or in the election law for the House of Representatives the right of a foreign woman who became Jordanian because of her marriage to a Jordanian to exercise the right to vote, which makes this issue subject to jurisprudence, and thus the rulings vary.

2. By examining the right of Jordanian dual nationals to run for membership in the House of Representatives, it is noted that Article (10/b) of the Parliament's Election Law for the year 2016, which prohibits Jordanian dual nationals from running for membership in the House of Representatives, contradicts Article (75/1) of the constitution, which permits him that. It is also noted that Article (9/a/2) of the Independent Election Commission Law No. 11/ of 2012, which does not allow dual citizenship for the Commissioner or the Secretary-General, contradicts the principle of equality stipulated in Article (6) of the Constitution.

3. The dual nationality shown in the subject of the study is related to the Jordanian who holds foreign nationality. As for the foreigner who is naturalized with Jordanian nationality, he is not

entitled to dual nationality, as he must relinquish any nationality he held before obtaining Jordanian nationality.

Second: Recommendations:

1. We recommend that the Jordanian legislator explicitly states in the election law that a foreign woman who became Jordanian because of her marriage to a Jordanian has the right to elect members of the House of Representatives.
2. We recommend the Jordanian legislator to amend Article (75/1/a) of the amended Jordanian constitution for the year 2016, so that the new text is as follows: He shall not be a member of the Senate and House of Representatives (a) A person who is not a Jordanian. (b) A person who holds the nationality of another country.
3. The study recommends that the idea of dual nationality be expanded to include a foreigner who is naturalized with Jordanian nationality, provided that the application of the principle of dual nationality is restricted when exercising the right to run for membership in the House of Representatives.

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