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# Legal Compensation for the Legal Person About Moral Damage in Jordanian Legislation

Mohammed Ali Khaled Al-Sharman<sup>1</sup>, Qasim Abdul Amir Hassan<sup>2</sup>, Ali Akram Kadhim<sup>3</sup> and Sufian Tawfiq Bani Amer<sup>4</sup>

<sup>1</sup>Ajloun National University <sup>2</sup>Al-ALBayan Private University, & <sup>3</sup>Zarqa University, Jordan Alzarqa'a

Correspondence: [ahmad.boutosh@anu.edu.jo](mailto:ahmad.boutosh@anu.edu.jo)

## Abstract

*The importance of compensation for moral damage, especially with regard to compensating the legal person for moral damage in enjoying the stability of societies, and after seeking the help of forensic doctors for humans in general and the legal person alike, and the public will always see it as a consideration, as the study is accustomed to considering the legal person for moral damage, by clarifying the nature of the legal person, explaining the concept of moral damage and the extent of its connection to the legal person, and stating the foundations for compensating the legal person for moral damage, and the researcher has reached an ideal form of general texts in civil law, and thus in that Article (267/1) Jordanian Civil, in addition to the laws of intellectual property rights in eliminating the right of the legal person to compensate for moral damage, and thus what the study has reached, the researcher recommended that the ruling of the Jordanian Court of Cassation be settled regarding the compensation of the legal person for moral damage, by adopting and therefore expanding regarding compensation for moral damage in the decision and is considered one of the established axioms.*

**Keywords:** moral damage, compensation, damage, legal person

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## **Introduction**

The development and maturity of civil liability represent the values of society and its social, moral, and legal awareness. Liability is divided into tort and contractual liability, which jurisprudence and the judiciary have settled on. As for legislation, it did not regulate contractual liability with special provisions, so it aims in the general framework to compensate for the damage that may result from a breach of tort liability due to an unlawful act or a breach of contractual obligation.

Civil liability has three pillars: harm, error, and a causal relationship between them. If the third pillar is absent, there is no room to talk about civil liability in its two aspects, as where there is no harm, there is no liability, which means that proving the damage is a necessary condition for the establishment of liability and the ruling to compensate as a result.

The types of damage, in general, are material damage arising from infringement of a financial right or legitimate interest, including the loss a person suffers and the gain he misses. There is no difficulty in estimating compensation for it, and moral damage arising from the breach of a legitimate interest or a non-financial right, does not result in a direct financial loss, but rather represents the moral loss as a result of the financial infringement, social, reputation, or intellectual property rights, which are attributes proven for the legal and natural person, and the standard of compensation for moral damage remains within the framework of satisfying the injured party and mitigating its effects, which requires compensation for it.

Compensating a legal or natural person for material damages resulting from an attack on a legitimate material right or interest is widely accepted and undisputed. Additionally, there is consensus on compensating a natural person for moral damage suffered. However, there remains an ongoing debate in both judicial and legal circles regarding whether a legal person is entitled to compensation for moral damages. The study problem and its questions:

## **Problem with the study and its questions**

The problem of the study comes from the position of the Jordanian legislator on compensating the legal person for moral damage, as the Jordanian legislator preferred not to announce an explicit text governing this issue, in addition to the scarcity of specialized legal studies in this field, where the problem of the study can be formulated with the following questions:

1. What is the nature of the legal person?

2. What is the concept of moral damage and the extent of its connection to the legal person?
3. What are the principles of compensating the legal person for moral damage?

## **Importance of the Study**

The study gains its importance from a set of points, which can be summarized as follows:

1. The possibility of benefiting those responsible for applying compensation for moral damage is possible by reconsidering the application of the provisions of comprehensive compensation for moral damage to include the legal person.
2. Working to benefit specialists, students, and authors of law books in general, in identifying the positives of compensating the legal person for moral damage.
3. A communication channel can be opened between those responsible for applying compensation for moral damage and specialists in this field to build an integrated system that compensates the legal person for moral damage.

## **Study Objectives**

This study aims to:

1. Explain the nature of the legal person.
2. Link the concept of moral harm and the extent of its connection to the legal person.
3. Clarifying the principles of compensating a legal person for moral damage.

## **Study Methodology**

The researcher will use the descriptive analytical method based on studying the various theoretical and cognitive concepts that establish the subject under discussion, analysis, and comparison, where the legal texts related to the provisions of compensation for moral damage were analyzed, and the extent to which this applies to the compensation of the legal person for moral damage in Jordanian civil law.

## **Discussion**

### ***The Nature of the Legal Person***

To cover this topic, we will divide this section into two parts. The first part will focus on explaining the concept of a legal person, while the second part will address the different forms a legal person may take.

### *The Concept of the Legal Person*

Legal systems differed in naming the legal person, as they gave it several names. The Jordanian legislator, in turn, called it the legal person (1).

The Jordanian legislator included the legal person within civil law and left the door open for any group of persons that the development of legal thought may require their existence in the future, and which may be registered as a legal person (Jordanian Bar Association, Vol. 1, p. 53).

The Jordanian legislator referred to the legal person in Article (50) of the Jordanian Civil Code under the name of legal persons, which are:

1. Under the conditions considered by the law, the state and municipalities, public institutions, and other establishments are granted a legal personality.
2. The bodies and religious sects that recognize a legal personality.
3. The endowment.
4. Commercial and civil companies.
5. Associations and institutions established by the provisions of the law,
6. Every group of people or funds has proven to have a legal personality under a provision in the law.

According to the second paragraph of Article (50) of the Jordanian Civil Law, it is considered *“an organization, and the religious sects recognized by the state depend on it personally, i.e. a special license is required to obtain a special license even for legal privacy (), and a decision of the Amman Sharia Court stated: “.* Then all legal persons can use it in Article (50) of the law, including the civil in the state, and all of them confirm this status for it by law except for the organization and the religious sect that the states recognize as a legal personality” (3).

From studying the previous text, it is noted that the legal person is a group of people, or funds, that come together to achieve an agreed-upon goal. This group is proven to have legal personality under the provisions of the law under which it was established, and the following general principles can be noted:

1. It is observed that the Jordanian legislator did not provide a specific definition of a legal person. Instead, general guidelines were established to encompass the various legal persons present in Jordan. These guidelines differentiate between groups of assets or individuals that exist in practice.

2. The legal person enjoys an independent legal personality, as the company, as a legal person, has financial liability independent of the financial liability of the partners.
3. The legal person seeks to achieve a specific purpose through the provisions of the legal system under which it was established.
4. The legal person can carry out legal transactions directly and independently of the founding members, to avoid mixing financial liabilities between them, and not complicate the legal transactions that take place in the name and on behalf of the legal person, as stated in a decision of the Court of Cassation “The legal person according to Article (51) of the Civil Code has a legal personality independent of the personality of each partner, and enjoys all rights except those that are inherent in the human capacity” ( ).
5. The name of the legal person is given to groups of people and funds to distinguish it from the natural person, and in the event of an attack on the name, trade name, or trademark ( ) that is proven for the legal person, the law permits, according to the provisions of Article (49) of the Jordanian Commercial Law ( ), Article (5) of the Jordanian Trade Names Law ( ), and Article (267/1) of the Jordanian Civil Code, stopping the attack and compensating for the damage resulting from the attack.
6. The legal person can influence the political and social life in the state, which in turn works to regulate this within several legislations, such as associations of a political nature, parties, or companies, especially the large ones (see: Saeed, 1978 AD, pp. 25-30), such as controlling the business sector and capital, especially multinational companies that have a name, trade name, and a trademark with a global reputation that exceeds the borders of the state.
7. The state is considered an independent legal entity, distinct from other legal people, and may engage in all legal actions under the governing legislation. In legal proceedings before judicial bodies, whether as plaintiff or defendant, the state is represented by the State Litigation Administration Agent.

#### *Forms of the legal person*

The forms of a legal person are varied and outlined in Article 50 of the Jordanian Civil Code under the classification of legal persons. These forms reflect the stages of societal development, progress, and intellectual growth. As well as the diversity of

ideas among individuals within a society. They also recognize the individual's limitations in achieving specific goals independently, which underscores the importance of legal entities. In response, the legislator has left the room to grant legal legitimacy to any future groups of people or assets that may emerge, should there be a need. In discussing the primary forms of a legal person, we will first address associations and companies in the first section, private institutions in the second section, and endowments in the third section.

### *Associations and Companies*

Associations in Jordan are classified (11) according to their specializations as stated in the Jordanian Associations Register and an association according to the Jordanian Associations Law is *"any legal entity composed of a group of persons not less than seven, and is registered by the provisions of this law to provide services, or carry out activities voluntarily without even targeting profit, or sharing it, or achieving any political goals that fall within the scope of the work and activities of political parties according to the applicable legislation ()"*, and associations in Jordan target the interests of their members as they are often based voluntarily (12) away from material profit.

Concerning companies, Jordanian Law No. 22 of 1997 and its amendments, which is the law that governs the establishment and management of companies in Jordan, have organized the relationships of partners, their rights and obligations, methods of managing companies, and determining the powers of boards of directors, managers, and other employees.

The Jordanian Companies Law includes many types of companies, such as personal and joint-stock companies, guarantee companies, foreign and private companies, and other types of companies.

A legal entity can acquire rights, just like natural people. This means that they are an independent person in themselves, possessing legal capacity and financial liability independent of the partners' liabilities (13), and can preserve the rights that are proven to them, such as intellectual property rights, through an unfair competition lawsuit due to actions that are considered illegal actions, such as the illegitimate exploitation of a patent (14).

### *Private Institutions*

Private institutions are important in contemporary societies, including various economic, educational, political, and social fields. The private institution is considered a legal entity, as it is established by allocating money for a specific period, for

charitable works, social care, or other purposes, but without the intention of achieving a material profit (15).

The distinction between a private institution and an association lies in their primary goals: an association is established to serve the interests of its members, while a private institution, as a legal entity, aims to achieve a purpose of public benefit or social care. Both, however, are similar in that they are established by contract to pursue a goal other than material profit (Marcus, p. 719), as seen in examples like agricultural lending institutions.

### *The Endowment*

Endowed funds are referred to as an endowment, a system derived from Islamic law where funds are allocated to a charitable organization and continue in perpetuity, regardless of whether those initially entitled to it are still present. This is because the endowment is dedicated to God. To a private institution, the yield from an endowment is directed toward a specific purpose (Marcus, p. 719). The endowed funds are considered the property of God Almighty, and the organization overseeing the endowment is entitled to benefit from it. The endowment means *“locking up ownership of the property permanently under God’s ownership, dedicating its yield to charitable purposes, even if the benefit has a temporary end.”* An endowment is considered charitable if its benefits are dedicated to charitable organization from the outset (17).

It can be noted that the endowment is originally for charitable and benevolent works and seeking reward and recompense from God Almighty. The transferring process of ownership of the endowment is confined to the endowed money and transferring its benefit to the beneficiary, as the previous definition used the term *“allocating its benefits for charity.”* In a decision by the Court of Cassation, it ruled that *“the rented property is an endowment property, and with the completion of its endowment, it becomes a legal entity and has an independent financial status that is liable for its debts that were spent on its expenses according to the condition of reality, as stipulated in Article (1236) of the Civil Code”* (18). Thus, the Court of Cassation confirms that the endowment is a legal entity with rights and obligations and has an independent financial status, to which the legal provisions apply to the legal entity.

### ***The concept of Moral Damage and its relation to the Person judgment***

#### *The Concept of Moral Damage and Its Relationship with the Legal Person*

Moral damage is characterized by the fact that it affects the legal person with a right or a legitimate interest related to his honor, social status, or financial standing

(19), or the infringement of intellectual property rights, which are attributes proven for the legal person.

Damage is considered the fundamental pillar for the realization of civil liability in Jordanian civil law, when the damage inflicted on the injured party is proven, this requires compensation, and compensation for moral damage requires the removal of its effects when attacking others, and Jordanian civil law did not address a specific definition of compensation for moral damage, but instead came directly to explain the method of compensation and its estimation when dealing with the penalty of liability.

The lack of exposure is due to the consideration of moral damage as one of the objective elements of compensation in civil liability, so when the damage is realized from harm to the injured party and the resulting imbalance in the moral entity of the legal person, this necessitated explaining the method of compensation and its estimation without adhering to a specific concept of compensation, which may miss the opportunity to collect it. Clarifying the moral damage and its relationship to the legal person, this topic was divided into two requirements. The first is the concept of moral damage in legislation and the extent to the legal person, and the second is the concept of moral damage in the judiciary and the extent to the legal person, as follows:

#### *The concept of moral damage in legislation and its relation to the legal person*

The judiciary is often left to explain the intended meaning of legal terms because legislation comes with specific and clear texts that do not allow interpretation.

The Jordanian legislator has mentioned, moral damage, by enumerating the forms in which moral damage occurs, all of which focus on the subject of the assault concerning the natural or legal person, what concerns us in our study is the aspect related to the legal person, as the legal texts regarding moral damage came without specifying the person, whether natural or legal, knowing that the Jordanian legislator leaned towards the guarantee for moral damage, influenced by Islamic jurisprudence in this regard (Al-Shamalia, 1988 AD, p. 88).

By referring to the legislative texts related to damage in general, including (48, 49 and 256) and Article (267/1) of the Jordanian Civil Code, which relates to moral damage in particular, and these are general rules, and by referring to the special rules related to compensation for moral damage, such as Article (49) of the Jordanian Commercial Law No. 12 of 1966 and Article (33) of the Jordanian Trademarks Law No. 33 of 1952 and its amendments, and Article (5) of the Jordanian Names Law No. 9 of 2006, and Article 2 of the Unfair Competition Law, and Jordanian Trade Secrets No. 15 of 2000, the researcher believes that the legislator's enumeration of the forms in which moral damage occurs, which were mentioned as an example, and not as an exhaustive



list ( ), some of these forms are proven to the natural person and some are proven to the legal person, so freedom and honor are proven to the natural person, and the financial position, reputation, intellectual property rights, and social position are proven to the natural and legal person who seeks to preserve them from any Assault, where the researcher finds the generality in the texts without specifying others, and in the event of proving the damage to these rights, there is no dispute over the legal person's entitlement to compensation.

The researcher believes that when the Jordanian legislator did not define moral damage but rather mentioned it in its general wording, he was right because that is the task of jurisprudence and the judiciary, and to open the door to serious research into compensation for the person for moral damage.

In confirmation, the text of Article (256/1) of the Jordanian Civil Code states that *"any damage to others obliges its perpetrator to guarantee even if he is not discerning."*

The researcher believes that this Article came with explicit general texts that require guarantee, but in a brief manner, and without specifying the damages that require guarantee, and this is consistent with the position of Islamic law, which made compensation for moral damage a form of financial punishment, so that what achieves the restoration of the reputation of the assaulted person is taken into account, without specifying the assaulted person, and the jurisprudential rule derived from the noble hadith *"There is no harm and harm"* (Ibn Qayyim al-Jawziyya, Vol. 1, p. 245), knowing that guarantee in its meaning is broader than compensation, as compensation is the obligation of the causer to compensate for the harm he inflicted on others, while guarantee comes in part from the obligation not to infringe on any rights or interests of others, and if an attack occurs on these interests or rights and this causes harm to others, then the causer is obligated to compensate even if he is not discerning, as it established that harm is the basis of civil liability, and that the word harm is more sufficient than any words that may come to mind to express that, as the unlawful act, or the act that violates the law, or the act that is prohibited by law are all synonyms for harm (Journal of the Bar Association, Page 288), and the Jordanian legislator did well when he addressed this with a general text, and stated in Article (267/1), that the guarantee includes moral damage, as the aforementioned Article stipulated that: *"The right to guarantee also includes moral damage, so any assault on another in his freedom, or in his honor, or in his reputation, or in his social position, or in his financial standing makes the aggressor responsible for the guarantee."* The researcher believes that the Jordanian legislator has enumerated the forms of moral damage that require the guarantee and has limited them as an example, because there are other forms of moral damage without mentioning a definition.

*The concept of moral damage in judiciary and its relation to the legal person*

In the event of ambiguity of the text and its implications, the judiciary resorts to clarifying it and explaining its meaning. In this context, a group of judicial decisions clarified the moral damage.

In confirmation of the above, the Jordanian Court of Cassation ruled in one of its decisions: *"The concept of moral damage is the damage resulting from an infringement on another's freedom, honor, honor, reputation, social status or financial standing... (21)"*. The Court of Cassation considered in its decision that harming the reputation and standing of the legal person is not related to the psychological or emotional aspect of the legal person, but rather is financial damage, and the person harmed by the harmful act has the right to demand compensation (22).

The researcher sees from the jurisprudence of the Court of Cassation that freedom and honor are images that are realized for the natural person, while the financial position, name, and commercial address are images that are realized for the legal person; to confirm the principle of compensation for the legal person for moral damage, even if it comes indirectly.

Another decision stated, *"The Court of Cassation has determined that the concept of moral damage intended by the guarantee under the law is: moral damage resulting from an assault on another person's freedom, honor, or social status according to the text of Article (267/1) of the Civil Code"* (23). The researcher with the esteemed Court of Cassation, when limited the first part of the definition to mentioning the person without specifying, although it initially defined the concept of moral damage. The researcher disagrees with the limitation of cases of assault, and it would be preferable if it came with concepts that defined the general nature of these cases, so that they can be used as an analogy if the damage is proven in any case not mentioned by the legislator.

*Foundations for Compensating a Legal Person for Moral Damage*

Compensation for moral damage constitutes a guarantee for the stability of societies from moral and legal perspectives are keen to protect their reputation and values from being affected, and this leads to preserving the social fabric governed by morals and the rules of justice away from the imbalance and disorder that may result from the assault on the values and reputation of individuals.

The wisdom of compensating for moral damage to a legal person does not deviate from the wisdom of compensation in general, considering that it is taken for granted that the principle of compensation for moral damage has become one of the established matters in jurisprudence and legislation, as every person who suffers moral damage has the right to demand compensation (Al-Jumaili, 2015, p. 89), to limit

the imbalances that result from the assault on the rights and interests of others; because the general principle in this is that whoever causes moral damage to others, the injured party has the right to demand compensation and the legal person is part of that; because the assault occurs to him like the rest of the legal persons, but the question that arises is what is the basis on which the compensation of a legal person for moral damage is based.

Knowing the legal basis for compensation for moral damage helps to know who is entitled to compensation, when the right to it arises, and the conditions necessary to initiate a claim. To clarify the basis for compensating a legal person for moral damage, it will be studied as follows:

The first requirement: The legal basis for compensating a legal person for moral damage in Jordanian law

Islamic jurisprudence is the historical source of Jordanian civil law, which relied primarily on damage to compensate for civil liability. The guarantee came in Jordanian civil law under the title of a harmful act. What distinguishes the texts is that they came to speak in a general form, meaning without distinguishing between moral damage, material damage, or a natural person, or a legal person. This is what was confirmed by Article (267/1) of the Jordanian Civil Law: *"The right to guarantee also includes moral damage. Any assault on another in his freedom, or his honor, or his reputation, or his social position, or in his financial consideration makes the aggressor responsible for the guarantee"* (24).

This has been confirmed by most legislative texts related to compensation, whether Article (48), Article (49), or Article (267) of the Jordanian Civil Code, which are general legislative texts, stated in Article (48) *"Anyone who has been subjected to an unlawful assault on a right inherent in a person's personality may request the cessation of this assault with compensation for any harm that may have been inflicted on him."*

Article (49) states, *"Anyone who has been disputed by another in the use of his name, title, or both without justification, and whose name, title, or both have been unlawfully assumed by another may request the cessation of this assault with compensation for any harm that may have been inflicted on him."*

As for compensation for moral damage in legislative texts, most of which concern intellectual property rights that are proven to the legal person, whether a trademark, patent, or industrial designs, through the commission of any act of unfair competition.

Because of the development of legal thought, keeping pace with it, and catching up with it, the Jordanian legislator legislated intellectual property rights to define their scope and the necessary means of protection for them, which are rights that apply to

non-material things and images of intellectual production and creativity. Jurisprudence has them as: *"Everything created by man from inventions, literary and artistic works, symbols, and images used in commerce"* (Al-Kaswani, 1998, p. 23). Many laws protect intellectual property rights, such as Jordanian Patents Law No. (32) of 2004, Jordanian Trade Names Law No. (9) of 2006, Jordanian Copyright Protection Law and Related Rights No. 22 of 1992, and Competition Law and its amendments No. 33 of 2004, all of which came to allow the right holder to prevent others from exploiting these rights, or carrying out any act of unfair competition without legal permission or agreement; Because these rights are characterized by being a mental production, such that protection begins when the thought is emptied to become something tangible such as an industrial product, or a literary work; because the law does not protect abstract ideas. By studying the above, the researcher believes that the Jordanian legislator approved the legal protection of the legal person from moral damage, whether in general legislative texts as a third party; because the legislator included the text in an absolute form without specification, to include all persons in general, or special legislative texts, which were included within the laws of intellectual property considering intellectual rights as moral rights that are proven to the legal person, such as the use of the name, or trade name, or trademark, or industrial design, they are among the images inherent to the legal person, who has the right to request stopping the infringement with compensation when infringing on one of the images or moral rights thereon as long as they are inherent to the legal person (Al-Kaswani, 1998 AD, p. 23). The judicial interpretations of the Court of Cassation confirmed this, as what was stated in Articles (48) and (49) of the Jordanian Civil Code prohibited the infringement of any of the rights inherent in the legal person, including the name, address, trademark, patent, or financial consideration, and that the infringement thereof requires suspension and compensation together; because it causes moral damage (25). In support of the above, the explanatory notes of the Civil Code stated that *"the damages that may befall legal persons may be damages that affect the legal person itself (its money, reputation, consideration), and thus are private damages (first), and may be inflicted on the interest or interests that the legal person was established to represent and defend, and thus are collective damages"* (Journal of the Bar Association, p. 69). By referring also to the previous texts, the researcher finds that they agree with logic in terms of reality in the necessity of compensating the legal person for the moral damage that befalls him, due to the imbalances that may result from damages to the rights of others, and compensation for moral damage has become one of the principles that jurisprudence, legislation and the judiciary have settled upon. Considering that companies are legal entities, the legislator has granted them legal protection in an

attack on their trade name, as stated in Article 4 of the Jordanian Companies Law: *“The company shall be established in the Kingdom and registered therein by this law. After its establishment in this manner, it should be considered a legal entity of Jordanian nationality, and its head office shall be in the Kingdom”* (26). Accordingly, the researcher finds that the company established in the Hashemite Kingdom of Jordan is considered a person who has the right to gain rights and has obligations, meaning that it is a legal person established, with capacity, a name, and a commercial address independent of its founding partners (27). The previous opinion was confirmed by what was stated in Article (583) of the Jordanian Civil Code (28), where the company enjoys an independent financial status. It is one of the most important results of the legislator’s recognition of the company as a legal personality because it guarantees the fulfillment of its debts. It can acquire the status of a merchant, and enjoy citizenship (Al-Akeely, 2015 AD, p. 188), as stated in Article (49) of the Jordanian Commercial Law: *“1- If a commercial address is used in any way contrary to the provisions included in this chapter, the interested parties may request the prevention of the use of that commercial address or its cancellation if it is registered, and the affected persons may request compensation.*

*The basis for compensating a legal person for moral damage within the framework of contractual liability*

Compensation for moral damage within the framework of tortious liability does not raise any disputes about its entitlement if it is proven contrary to contractual liability, as jurists see the permissibility of compensation for moral damage, despite the stability of compensation for moral damage in most legislations. Regarding compensation for contractual liability, the Jordanian Court of Cassation ruled that *“the liability incurred by the parties to a mutually binding contract, if one party causes harm to the other by failing to fulfill their obligations, falls under contractual liability. The obligated party to compensate for any damage that occurs, by Article 363 of the Civil Code”* (39). This principle also applies to cases such as the termination of a contract by an artist with a company involved in organizing concerts, where the termination harms the company’s reputation and necessitates compensation (Baha, 2006, p.3).

The researcher agrees that the esteemed Court of Cassation when it approved the principle of compensation for the party to the contract harmed as a result of the other party’s failure to fulfill its obligation for moral damage within the framework of contractual liability, where the guarantee of damage was absolute without specifying the type of damage, and it is possible that one of the parties to the contract is a legal person. Therefore, it can be said that it is implicit recognition by the esteemed Court

of Cassation to compensate the legal person for moral damage within the framework of contractual liability. In confirmation of the previous principle, and another decision of the Court of Cassation, it was stated that *“judicial jurisprudence has settled, according to what is inferred from the provisions of Article (363) of the Civil Code, that the liability that accrues to the parties to a contract binding on both sides if one of the parties causes damage to the other as a result of his failure to fulfill his obligation is governed by contractual liability, and the party who breaches his obligation is obligated to guarantee the damage occurring at the time of its occurrence, and does not include lost profits and moral damage except in the case of serious damage, or fraud under the provisions of Article (2/358) (39) of the law”* (40). In another decision, *“The mayor is responsible for signing contracts and agreements, and thus the municipality’s responsibility is established. The responsibility that falls on the parties to the contract, binding if one of the parties causes damage because he failed to fulfill his obligation, is governed by contractual responsibility. The party that breaches its obligation must guarantee the damage that occurred when it occurred”* (41).

The researcher supports what the Jordanian legislator and the decisions of the Court of Cassation have stated regarding general principles regarding compensation for the legal person for moral damage within the framework of contractual responsibility, as follows:

1. No text prohibits compensation for moral damage within the framework of contractual responsibility.
2. Whoever supports compensation for moral damage within the framework of contractual responsibility has arguments and evidence to support that.
3. The Jordanian legislator stated explicitly the principle of compensation for moral damage in Article (267/1) without specifying the type of damage.
4. The Jordanian legislator and judiciary compensate for moral damages within the framework of contractual liability, and consider the breach of contract execution, resulting in moral damage. If a publishing house fails to publish a book in a defective manner, it causes moral damage to the author (Al-Sanhouri, p. 768). Compensation for moral damage is real in the event of the debtor’s breach of his obligations, as the delay in delivering a singer to hold a concert for one of the institutions sponsoring that concert will affect its reputation and cause moral damage to it as a result.

## Conclusion

The study came out with the following results and recommendations:

## Results

1. The legal person is a group of people or funds that come together to achieve an agreed-upon goal, and this group is proven to have legal personality under the provisions of the law under which it was established.
2. The moral damage to a legal person is characterized by harm to their reputation, financial and social status, and intellectual property rights. This damage can impede the legal person's ability to carry out their activities now and in the future. Although it does not directly affect the emotional aspect of the legal person, it is still considered financial damage.
3. Based on the generality of the texts in the Civil Code, especially Article (256/1) in the Jordanian Civil Code, and intellectual property legislation, the legislator can confirm the legal person's right to compensation for moral damage.
4. It is noted that the decisions of the Court of Cassation came exclusively to compensate for moral damage in the forms mentioned in the text of Article (267/1) Jordanian Civil Code, and these forms are an example and not limited to.
5. It became clear that the failure to define moral damage by Civil Law came on the basis that moral damage is one of the objective elements of compensation in civil liability, and this means stating the method of compensation, and estimating it without being bound by a concept of compensation so as not to miss the opportunity to collect it, and by knowing the basis of the law of compensation for moral damage, it can be reached that the legal person, like the natural person, deserves compensation for moral damage.
6. It became clear that the Jordanian legislator approved the legal protection of the legal person for moral damage, whether in general legislative texts as a third party, or special legislative texts included in intellectual property laws, considering intellectual rights as moral rights that are proven for the legal person.
7. Compensation for the use of illegal means of the name, trade name, and property rights represents one of the aspects of compensating the legal person for moral damage according to the provisions of Article 49 of the Jordanian Commercial Law and legislation related to intellectual property.
8. It became clear that it can benefit from the generality of the texts mentioned in the Civil Code, especially Article (267/1) of the Jordanian

Civil Code, and the intellectual property laws, in confirming the legislator's right to compensation for moral damage.

## Recommendations

Based on the results of the study, we recommend the following:

1. The researcher recommends that the esteemed Court of Cassation unify its position regarding compensation for moral damage by expanding compensation to include the legal person and consider this a stable legal principle.
2. The researcher recommends that compensation for the legal person for moral damage be adopted in courts of different degrees and that this be a fixed principle so that it does not conflict with legislative texts and jurisprudential opinions.
3. The interest of researchers and scholars in studying the legislative texts related to compensation for moral damage to the legal person.
4. The researcher recommends that legislation explicitly include providing compensation for moral damage directly to the legal person for economic, social, and political considerations, and to remove ambiguity in the general interpretation of Article 267/1 of the Jordanian Civil Code. 5. The researcher recommends amending Article 267, paragraph one, of the Jordanian Civil Code by adding the phrase "for example" in the first paragraph after enumerating the forms of moral damage; to remove ambiguity in its interpretation by the Court of Cassation when issuing a decision contrary to the will of the legislator regarding compensation for moral damage, especially about the legal person.

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