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Before Parliament: The Missing Link in Jordanian Law-Making

A Study of the Relationship Between Public Policy-Making, Legislative Legitimacy, and Government Communication

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Executive Summary

This paper starts from a striking, recurring observation in Jordan's legislative experience: a number of draft laws, once referred to the House of Representatives, turn into flashpoints of political and media controversy, placing the government in the position of defending the philosophy and objectives of the legislation, while public opinion and members of parliament spend as much time debating the justifications for legislative intervention as they do debating the text itself. This pattern has emerged across several pieces of legislation with significant economic, political, and social impact, with the draft amendment to the Real Estate Ownership Law among its most recent examples.

The paper argues that explaining this phenomenon simply as a failure to "market" laws does not capture the core of the problem, but instead reduces it to its communicative and media dimension. It proposes, instead, the hypothesis that the flaw lies in the stage preceding legislation itself — that is, in the relationship between public policy-making and the drafting of legal texts, and in the absence of a fully institutionalized stage for building the epistemic legitimacy of legislation before it moves to parliament.

To examine this hypothesis, the paper draws on public policy and regulatory governance literature, building on the work of Harold Lasswell, William Dunn, James Anderson, John Kingdon, and Paul Sabatier, alongside New Institutional Economics literature and the regulatory governance principles developed by the Organisation for Economic Co-

operation and Development (OECD), the World Bank, and the European Commission. It also reviews comparative models from the United Kingdom, Canada, Australia, and the European Union, illustrating how legislation moves from the public-policy preparation stage to the parliamentary stage through institutional tools such as policy papers, Green Papers, White Papers, Regulatory Impact Assessment, and structured public consultation.

The paper concludes that the quality of legislation is determined not only by the soundness of the legal text, but by the quality of the institutional process that produced it. The more legislation is preceded by a clear process of problem definition, alternatives analysis, stakeholder engagement, and impact assessment, the higher public trust rises, the more polarization recedes, and the more parliamentary debate comes to focus on improving the legislation rather than justifying its existence.

In this context, the paper proposes a preliminary interpretive framework it calls the "Policy Legitimacy Gap" — referring to the gap that arises when a draft law is referred to the legislature before the epistemic legitimacy explaining, to the public, the government's reasons for intervening, its objectives, alternatives, and expected effects has been fully built. The paper argues that this gap contributes to shifting societal debate to a late stage of the legislative process, pushing the government into a defensive role, while parliament bears the burden of a debate that should have begun at the public-policy preparation stage.

The paper stresses that this reading does not aim to evaluate the substance of any particular bill, nor does it diminish the government's constitutional role in legislative initiative or parliament's essential role in debating and passing draft laws. Rather, it calls for completing the public-policy-making cycle before it enters the legislative track, in a way that enhances the quality of legislation and entrenches the principles of good governance.

On this basis, the paper offers a set of reform proposals, most notably: establishing an institutional practice of publishing policy papers ahead of draft laws; making regulatory impact assessment mandatory for legislation with broad economic and social effects; developing public-consultation mechanisms and documenting their results; strengthening explanatory memoranda so they become evidence- and data-based documents; and redefining government communication as a tool for building public understanding and trust, rather than a means of belatedly defending bills after they have already reached parliament.

The paper concludes that the principal challenge facing the legislative process in Jordan is not simply producing more laws or improving legal drafting, but building an institutional model that links public policy-making and legislation on the basis of evidence, transparency, participation, and regulatory predictability. The closer the legislative process comes to this model, the greater the state's capacity to produce more effective legislation, the stronger the trust of citizens and economic actors in its institutions, and the more parliament exercises its role within a mature policy debate — rather than amid belated attempts to build a legitimacy that should have taken shape before the bill ever reached the chamber.

Introduction

The debate over draft laws in Jordan has come to resemble a recurring political scene. No sooner does the government refer a bill to the House of Representatives than controversy erupts, objections mount, media debate intensifies, and ministers find themselves in a daily race to defend the bill's underlying philosophy, explain its provisions, and respond to criticism. After nearly every legislative crisis, the same question resurfaces: why did the government fail to "market" the bill?

This question resurfaced with the draft amendment to the Real Estate Ownership Law, just as it had previously with the income tax law, the local administration law, the parties law, the elections law, the social security law, and others. What is notable is that the explanation for this phenomenon is nearly as consistent as the phenomenon itself: the failure is usually attributed to weak media performance, deficient government communication, or poor management of public opinion.

Yet this explanation, however common, does not seem sufficient to account for a pattern that recurs across different governments, different ministers, and different pieces of legislation. If the problem were purely a media one, outcomes would have changed along with the people or communication tools involved. But the persistence of the same pattern suggests that the flaw lies at a deeper level than communication alone.

This paper starts from a different hypothesis: that the problem does not lie in weak "marketing" of laws, but in the absence of a decisive institutional stage between public-policy-making and referral to parliament. As a result, the government finds itself forced to fight a battle to persuade public opinion after the bill has already entered the legislative track, rather than having already completed the work of building its epistemic legitimacy beforehand.

This hypothesis draws on contemporary public-policy literature, which clearly distinguishes between policy-making, policy communication, and legislation, and holds that the quality of legislation is tied not only to its content but also to the process that produced it. In modern democracies, laws are not merely legal texts; they are the final link in a chain that begins with defining the public problem, then gathering evidence, analyzing alternatives, conducting consultations, and assessing impacts, before arriving at the legal text.

From this perspective, the central question is no longer: why does the government fail to defend its bills? but rather: did these bills reach parliament after completing the public-policy-making cycle?

Methodology and Theoretical Framework

This paper relies on a comparative analytical method, combining a review of public policy and regulatory governance literature with an analysis of the constitutional framework governing Jordan's legislative process, compared against a number of institutional practices in the United Kingdom, the European Union, Canada, Australia, and the OECD.

The paper does not aim to evaluate the substance of any particular bill, but rather to analyze how legislation is produced, and the relationship between the stages of public-policy preparation, legitimacy-building, and the referral of bills to parliament.

The paper also proposes a preliminary interpretive framework called the "Policy Legitimacy Gap," as an analytical tool for understanding the recurring controversy accompanying draft laws in Jordan — without claiming it to be an established concept in academic literature, but rather offering it as an interpretive proposition open to debate and refinement.

This analysis intersects with New Institutional Economics literature, particularly the work of Douglass North, which holds that institutions are not the organizations themselves, but the “rules of the game” that structure interactions within society and the economy. From this perspective, the legislative process is not merely a legal pathway for producing rules, but one of the most important elements of the institutional environment that determines levels of trust, transaction costs, and regulatory predictability.

Accordingly, the quality of legislation is tied not only to its content, but also to the quality of the procedures that produced it. The more the law-making process is characterized by transparency, stakeholder engagement, and alternatives analysis, the lower the costs of uncertainty, and the higher the trust of economic and institutional actors in the stability of the regulatory environment.

I. Between Policy-Making and Law-Making

One of the most common errors in Arab political discourse is conflating “public policy” with “law.” A law is not a public policy; it is one of the tools for implementing one. Harold D. Lasswell, one of the founders of the policy sciences, was the first to argue that the study of policy should begin with the public problem rather than the legal text, and that public decision-making is a multi-stage process that extends well beyond legislation alone. This conception was later developed by scholars such as William N. Dunn, James E. Anderson, John W. Kingdon, and Paul Sabatier, until the “Policy Cycle” became the most widely used reference framework in policy analysis.

Despite differences among the various models, most agree that public policy passes through the following stages:

1. Problem Identification.
2. Agenda Setting.
3. Policy Formulation (analysis of available alternatives).
4. Consultation with stakeholders.
5. Decision and Legislation.
6. Implementation.
7. Evaluation.

Notably, legislation does not come at the beginning of this process, but roughly in the middle, after the policy-preparation stages have been completed. In much Arab practice, however, public debate begins the moment the bill is published — as if the text were the starting point rather than the endpoint of the process. This discrepancy is not merely formal; it directly affects the quality of the legislation and its social acceptance.

II. The Problem Is Not the Text — It Is the Legitimacy That Precedes It

Policy analyst William Dunn holds that the success of public policy depends as much on the quality of the knowledge base underpinning it as on the quality of the political decision itself. Governments are therefore required not only to produce good laws, but also to provide a convincing explanation of the problem that necessitates the law, present the evidence justifying intervention, and explain why one legislative alternative was preferred over others.

The OECD adopts this approach within its principles of Regulatory Governance, affirming that the quality of legislation begins before its articles are even drafted, through impact assessment, stakeholder engagement, information disclosure, and analysis of different options. The organization considers early consultation and transparency not merely good practices, but essential components of building public trust and improving subsequent compliance with the law.

This allows for a distinction between two types of legitimacy:

- Epistemic Legitimacy: society and stakeholders being convinced that government intervention is grounded in evidence and sound analysis.
- Political Legitimacy: the legitimacy generated through parliamentary debate and the constitutional procedures that give legislation its legal force.

The problem arises when the first type of legitimacy is neglected, and parliament, the media, or ministers are expected to compensate for its absence after the bill has already been referred. At that point, the debate no longer concerns how to improve the legislation, but whether to justify its existence at all.

III. Is It the Government's Job to "Market" Laws?

Theoretically, the expression "marketing laws" seems imprecise. In a parliamentary system, the government is not an electoral party seeking to sell an idea to the public, nor a company marketing a product in the marketplace; it is an executive authority holding the right of legislative initiative and bearing responsibility for preparing public policy.

Contemporary literature distinguishes between two concepts often conflated in public debate:

- Political Marketing, which aims to win political and electoral support.
- Policy Communication, which aims to explain public policies, present evidence, and build public understanding of government intervention.

This distinction is fundamental. If the government turns into a political-marketing actor, it enters into a competition for popularity — a role inconsistent with its constitutional function. If instead it practices policy communication, it fulfills a duty tied to transparency, the provision of information, and trust-building, functions that lie at the heart of good-governance principles. The more precise question, then, is not whether the government succeeded in marketing the law, but whether it succeeded in building the epistemic legitimacy of the legislation before it reached parliament.

Analysis and Discussion

From Parliament to What Precedes It: Why Constitutional Legitimacy Alone Is Not Enough

If the theoretical framework starts from the premise that legislation is the late stage in the public-policy-making cycle, the question that now arises is: how do established democracies manage this stage? Is the government's role limited to preparing the bill, or does it extend to building support for it?

Answering this question requires first distinguishing between constitutional legitimacy and policy legitimacy.

Constitutional legitimacy arises when a bill is submitted according to the procedures set out in the constitution, debated within parliament, then passed and issued according to due process. Policy legitimacy, by contrast, forms much earlier, when society and key actors become convinced that the problem the government is addressing is real, that the proposed intervention is necessary and proportionate, and that other alternatives have been seriously studied.

Accordingly, adherence to constitutional procedures, however important, does not by itself guarantee a law's acceptance or success. Legislation can be constitutionally sound yet lack social acceptance if it is not accompanied by sufficient transparency, or if its motives and effects are not adequately explained.

This idea has today become axiomatic in Regulatory Governance literature, which holds that the quality of legislation is measured not only by the soundness of legal drafting, but also by the quality of the process that preceded it — including public consultation, alternatives analysis, impact assessment, and stakeholder engagement. The OECD, in its 2012 Recommendation of the Council on Regulatory Policy and Governance, affirmed that governments should "integrate public consultation into all stages of the regulatory-preparation cycle, and use regulatory impact assessment to guide legislative decisions."[1]

The Government: Policy-Maker or Law Defender?

In parliamentary systems, the government holds the right of legislative initiative because it is responsible for managing public affairs and implementing policy. Yet possessing this right does not mean its role consists of waging a political or media battle to persuade society of its bills after they have been referred to parliament.

A distinction is necessary here between two levels of government work. The first is Policy Making, which includes defining the problem, preparing studies, conducting consultations, formulating alternatives, and then selecting the most suitable solution. The second is Policy Communication, which means explaining the reasons for intervention, publishing evidence, clarifying expected effects, and making information available that allows citizens and stakeholders to understand and evaluate the decision.

This differs fundamentally from Political Marketing, which aims to win popular or electoral support through tools of political persuasion. Describing what governments do when defending bills as "marketing," therefore, reduces the function of the state to the logic of political campaigns, when what is actually required of it is building trust through evidence and transparency, not promotional rhetoric.

The World Bank has likewise distinguished between government communication as a tool for enhancing transparency and accountability, and political communication that serves partisan or electoral objectives, affirming that the effectiveness of reforms is tied to governments' ability to explain them to society at an early stage, not after they have already become subject to political polarization.[2]

What Do Comparative Democracies Do?

Comparative experience shows that governments do not wait until a bill reaches parliament to begin explaining it. In the United Kingdom, the Green Paper is one of the primary tools for introducing new policy. It is a non-binding document that lays out the public problem, the possible options, and open questions, and is put forward for discussion with experts, the private sector, civil society, and the public. Once consultations conclude, the government issues a White Paper announcing the policy it has settled on and the reasons for that choice, before the policy is turned into a bill referred to parliament.

In this way, parliament is not the first body to discuss the idea, but the first to grant it legislative legitimacy after it has already passed through extensive stages of public dialogue.[3]

In the European Union, the European Commission requires every significant legislative proposal to undergo an Impact Assessment examining economic, social, environmental, and administrative dimensions, comparing different alternatives, and subject to broad public consultation. The "Better Regulation Toolbox" affirms that good legislation begins with understanding the problem, not with drafting the text.[4]

In Canada, the Cabinet Directive on Regulation requires ministries to conduct cost-benefit analysis, consult with affected groups, and publish the results before adopting new regulations, ensuring that decisions are evidence-based and that the public is part of the process that produces them.[5]

Australia is not much different: its Office of Impact Analysis requires detailed impact assessments, along with a statement of the reasons for government intervention and an analysis of options and their respective effects, before any new regulation proceeds.[6]

These models do not eliminate political disagreement, but they shift most of it to a stage that precedes legislation, so that parliament becomes an arena for weighing solutions that have already been debated, rather than a place where the problem is discovered for the first time.

The Jordanian Case: Where Does the Missing Link Begin?

Article 91 of the Jordanian Constitution provides that the Prime Minister submits a bill to the House of Representatives, which then refers it to the relevant committee to review and offer an opinion before it is debated. Article 95 likewise regulates the right of ten or more members to propose laws, reflecting the fact that legislative initiative is distributed between the government and members of parliament, even though the government remains the principal source of most legislation.

The constitution, by its nature, sets out the general framework but does not specify how the policy preceding a bill should be prepared. This is where the importance of institutional practice becomes apparent. In practice, attention within government bodies tends to concentrate on legal drafting, while the stages of consultation, policy-paper publication, and impact analysis remain less present or insufficiently institutionalized. As a result, a bill reaches parliament while its most basic questions are still being raised in the public sphere: what is the problem? why this solution? were alternatives studied?

This does not mean consultation is entirely absent; ministries may hold meetings or receive input from certain parties. But the difference between procedural consultation and institutional consultation is significant. The former may be limited or undocumented; the latter is built on clear rules, has its results published, and its impact on the final drafting made evident.

Policy Legitimacy Gap: An Interpretive Framework

This pattern can be explained through a concept that might be termed the "Policy Legitimacy Gap." It refers to the gap that arises when the government moves from the policy-preparation stage to the legislative stage without having sufficiently built public conviction in the value and rationale of its intervention.

In such cases, parliament turns into an arena for debating the very existence of the problem, rather than the best means of solving it. Ministers find themselves forced to play two roles simultaneously: defending the policy and defending the bill. Parliament, meanwhile, is expected to exercise its legislative and oversight functions amid a debate that has not yet been resolved at the level of public policy itself.

Roles thus become blurred, trust-building is delayed, and the debate grows more polarized — not necessarily because the legal text itself is flawed, but because the stage that should have preceded it was never completed. The question that ought to precede every bill, then, is not will parliament approve it? but has the public-policy cycle that grants it epistemic legitimacy been completed before it enters the legislative track?

Taking the 2026 Real Estate Ownership bill as an illustrative case for this analysis:

Analysis Element	Real Estate Ownership Bill 2026	What Can We Conclude?
Start of the announced government process	The Council of Ministers approved the statement of justifications on February 4, 2026, and referred it to the Legislation and Opinion Bureau.	A clear official government process exists, but the published announcement does not offer a detailed description of the preceding policy-preparation stage.
Stated justifications for the bill	Resolving co-ownership (shuyu‘), simplifying procedures, digitization, electronic sales, sale and subdivision by plan, addressing expropriations, among others.	Stated objectives exist, but they are not a substitute for a systematic assessment of alternatives and impacts.

Pre-referral consultations	Official materials published across various platforms accessible to citizens do not show a detailed account of a consultation sequence and its results, comparable to what later appeared for the Local Administration bill — which itself was not ideal in terms of outcomes.	This is not evidence that consultations did not happen; rather, it points to the limited scope of what has been published and made publicly available about them.
Impact assessment	No published regulatory impact assessment setting out alternatives, costs, benefits, and expected effects appears in the government announcement referenced.	This is one of the gaps worth studying further, without claiming that no internal assessment exists unless the full legislative file is verified.
Parliamentary debate	The House Legal Committee began discussing the bill article by article, announcing on July 13, 2026 that it had approved a number of articles and would complete the rest after hearing legal and technical observations — while most Legal Committee members dissented from that decision and raised objections during floor deliberation.	The debate became clearer and more public at the parliamentary stage.
The potential gap	The center of detailed debate shifted to parliament after the bill reached it.	This can be described as a gap in prior transparency and epistemic-legitimacy building, not as evidence of an absence of consultation.

What can be drawn from this table is that the publicly available official record does not show detailed, publicly announced documentation of a pre-referral consultation stage, or of a regulatory impact assessment comparable to what was announced in other legislative cases — meaning that the practice of "consultation" appears selective, and is not carried out in an institutionalized manner.

Is the Problem Only Procedural?

This analysis might suggest that addressing the controversy accompanying draft laws in Jordan could simply be achieved by adding new stages to the legislative-preparation process, such as public consultation, policy papers, and regulatory impact assessment. Yet this conclusion would oversimplify the problem if it failed to account for the fact that part of the controversy may be structural and political in nature, not merely procedural.

Legislation, ultimately, is not a neutral technical process. It reflects political, economic, and social choices related to the distribution of benefits, costs, rights, and obligations among different segments of society. Some disputes, therefore, cannot be resolved through more information or consultation alone, because they arise from a genuine clash between legitimate interests or political visions.

The nature of the political system, the relationship between the executive and legislative branches, the level of trust in institutions, the strength of interest groups, and the nature of political representation are all factors that can shape how legislation is received, regardless of the quality of the procedures that preceded it.

This paper therefore does not claim that improving legislative procedures will end disagreement over laws, nor that every legislative crisis can be explained by a gap in consultation or communication. It proceeds instead from a more modest premise: that improving the process preceding legislation can reduce part of the uncertainty, misunderstanding, and polarization, even where political disagreement persists.

The value of procedural reform lies precisely here: it does not replace politics, but improves the conditions under which it is practiced. When stakeholders know the problem the government is targeting, the evidence it relies on, the alternatives it has studied, and the effects it anticipates, disagreement becomes more capable of shifting from a dispute over intentions to a dispute over choices.

Public consultation, impact assessment, and policy papers should therefore not be seen as tools for producing consensus, but as tools for improving the quality of disagreement itself. Disagreement will remain an inherent part of the democratic process, but it can become more grounded in information and evidence, and less reliant on speculation and suspicion.

From this angle, the procedural reform proposed in this paper is not a substitute for broader political and institutional reform, but one of its possible entry points. More transparent and participatory procedures can play a role in gradually building trust, but cannot alone address deeper issues related to institutional effectiveness, political representation, the balance of interests, or political culture. The "Policy Legitimacy Gap" proposed here should therefore be understood as one possible explanation for legislative controversy, not the only one.

From Selective Practice to Institutional Rule

This observation takes on particular significance when examined against Jordan's own experience, not only international ones. The problem is not an absence of government capacity to consult or engage stakeholders; some recent legislative experiences reveal more open and organized practices that can be built upon. Regarding the 2026 Local Administration bill, the government announced that its preparation was preceded by dialogue with the Senate and House of Representatives, relevant sectors, and experts, alongside reliance on studies and opinion polls, with dialogue continuing throughout the bill's discussion stages. This practice, regardless of any assessment of the bill's substance, offers important evidence that consultation and evidence can be integrated at early stages of law-making.

By contrast, the publicly available official record on the draft amendment to the Real Estate Ownership Law does not show the same level of detail in documenting pre-referral consultations, or the publication of a regulatory impact assessment systematically setting out alternatives, costs, benefits, and expected effects. This does not necessarily mean consultations did not take place; the absence of published documentation is not equivalent to the absence of the practice itself. But the gap in the level of institutional disclosure remains worth examining, as it raises a question that goes beyond these two bills, regardless of their relative weight or the contrast between them.

The more important question, then, is not whether the Jordanian government consults, but why good consultative practices have not become a unified institutional rule for all draft laws with broad impact.

If the government is capable of organizing dialogues and drawing on studies, opinion polls, and think tanks for some bills, the challenge is not one of technical capacity alone, but of the degree to which these practices are institutionalized. In other words, the quality of prior consultation should not depend on the nature of the bill, the relevant ministry, the responsible minister, or the priorities of the sitting government; clear rules should instead define the minimum standard that legislation must meet before referral to the legislature.

At this point, the issue shifts from “consultation as good practice” to “consultation as part of the institutional structure of law-making.” The difference between the two is fundamental: a discretionary practice can expand or contract with changing circumstances and personnel, while an institutional practice becomes part of the state’s institutional memory and working mechanisms, persisting even as governments and ministries change.

From this angle, the goal of reform should not be to demand that the government “consult more,” but to establish a unified legislative cycle that defines when consultation is mandatory, who the stakeholders that must be engaged are, what information must be published, how the results of consultations are documented, how the government responds to the feedback it receives, and when regulatory impact assessment becomes a condition for moving to the next stage.

Institutionalizing this process could also address a deeper problem: the disparity in knowledge among the parties affected by legislation. When consultation begins only after a bill has been referred to parliament, the margin for influencing policy design has already narrowed, and debate becomes focused mainly on amending the text. When consultation begins at an early stage, however, stakeholders can influence how the problem itself is defined, how alternatives are chosen, and how potential effects are assessed, before choices harden into legal text whose underlying philosophy becomes difficult to change.

Jordan's experience can thus be viewed more positively: the problem is not the absence of local models, but the failure to convert good models into an institutional standard. This is a more accurate conclusion than saying the government does not practice consultation, and it opens a practical path for reform — since Jordan does not necessarily need to build a system from scratch, but rather to unify existing practices, define their minimum standard, and link them to the law-preparation cycle.

This may be the most realistic entry point for reform. Rather than importing an entirely foreign model, a gradual Jordanian model could be developed that draws on international experience while building on practices that already exist within state institutions, transforming them from scattered initiatives into general rules.

At that point, the government's function also changes. Rather than finding itself forced to defend a bill after it has been referred to parliament, it will have already accomplished much of the work of explanation and persuasion through evidence, consultation, and transparency. Ministers' roles become less defensive and more institutional: presenting the policy the government has prepared, answering parliament's questions, and listening to proposed amendments, instead of fighting a belated battle to prove the bill was neither sudden nor unjustified.

The real reform question, then, should not be: how do we make the government better at defending its laws? but rather: how do we make the legislative system produce laws that need less defending?

The answer to the second question is, in essence, the shift from managing controversy over legislation to institutionalizing the law-making process itself; from relying on the quality of individuals and personal initiatives to building rules and procedures that guarantee a minimum standard of process quality, regardless of which government, minister, or ministry leads the bill.

Here the concept of the "Policy Legitimacy Gap" gains its analytical value: it does not assume that the government lacks knowledge or fails to consult, but rather asks whether that knowledge and those consultations have become a fixed, transparent part of the law-making cycle. The institutional problem does not begin when good practice is absent, but when good practice remains the exception rather than the rule.

Alternatives

From Managing Controversy to Building Trust: Toward a Jordanian Model of Participatory Legislation

No democratic system can eliminate disagreement over laws, nor should it try to. Disagreement is a natural part of the legislative process, and indeed one of its sources of strength. The difference between systems lies in the stage at which this disagreement occurs, and in the nature of the questions it revolves around.

In systems where the principles of legislative governance are well established, a bill reaches parliament after the major questions have already been debated: what is the problem? what is the evidence? what are the alternatives? who will be affected? and what is the cost? Parliamentary debate then focuses on improving the drafting, adjusting the balance of provisions, or reordering priorities.

When bills are referred before this cycle is complete, however, parliament turns — unintentionally — into the first arena for a dialogue that should have begun earlier. Ministers find themselves defending the underlying policy, while members of parliament are sometimes preoccupied with proving or disproving the existence of the problem itself, rather than discussing the most suitable solutions to it. The flaw here lies neither in the constitution, nor in parliament, nor even in the legal text, but in the sequencing of public decision-making.

Legislation as an Institutional Product

It is useful to view legislation as the output of an institutional process, not merely a legal document. New Institutional Economics, as developed by Douglass North, treats institutions as the "rules of the game" that shape the behavior of individuals and markets. The clearer, more stable, and more predictable these rules are, the lower transaction costs become, and the higher the levels of trust and investment.

This means the quality of legislation does not affect the courts and public administration alone, but extends to the economy, investment, and the state's competitiveness.

Improving legislation, then, is no longer purely a legal matter; it has become part of economic-development policy, administrative reform, and investment promotion.

World Bank and OECD reports indicate that Regulatory Predictability is one of the most important factors in investor confidence, because it reduces what is known as "Regulatory Risk" — the risk arising from sudden or poorly understood changes in policies and laws. From this standpoint, improving the legislative-preparation cycle is not merely a procedural goal, but a tool for strengthening trust in the state itself.

Toward a Jordanian Model of Participatory Legislation

Jordan does not need to replicate Western models wholesale, since every constitutional system has its own political and administrative context. But it can draw on principles that have proven successful and develop a national model suited to its own institutions.

This model can be envisioned in five interconnected stages:

First: Publishing a policy paper before the bill

Every bill with broad economic or social impact should be preceded by the publication of a Policy Paper explaining the public problem, the objectives, the alternatives examined, and the rationale for choosing legislative intervention. Publishing such a paper does not bind the government; rather, it gives it the opportunity to gauge reactions before the legal text is locked in. Here lies the importance of moving from the "statement of justifications" memorandum to a "policy memorandum." Today, most bills include a statement of justifications.

But if this were transformed into a broader, more comprehensive background paper — a Policy Memorandum — it would necessarily include: a definition of the problem, the related data, the alternatives, the reason for choosing the selected alternative, an impact assessment, the results of consultations, and expected success indicators following implementation. This model exists to varying degrees across a number of comparative systems, though not standardized under this name. It is therefore better presented as a reform proposal inspired by international practice, not as a model already adopted uniformly across countries.

Second: Adopting regulatory impact assessment

Regulatory Impact Assessment should become a mandatory part of preparing major bills. This assessment should not be limited to calculating economic cost, but should also cover social, administrative, and environmental effects, as well as compliance impacts, alongside a comparison of possible alternatives. In many OECD countries, a bill does not move to the legislature before this stage has been completed.

Third: Institutionalizing public consultation

Consultation is not a protocol meeting, nor a press statement announcing that a ministry has "listened to opinions." It is an organized process that begins with identifying stakeholders and ends with the publication of a report explaining the feedback received, what the government incorporated, what it did not, and why.

Publishing such reports raises the level of trust and prevents the debate from turning into an exchange of accusations over who was consulted and who was ignored.

Fourth: An evidence-based explanatory memorandum

In a number of advanced parliaments, bills are accompanied by explanatory memoranda that go beyond legal explanation to present the evidence, statistics, and studies underpinning the bill. Jordan's explanatory memoranda could be developed into a concise policy document, rather than a purely linguistic or legal explanation of the text.

Fifth: Government communication as a tool for transparency

The government should shift from managing controversy to managing knowledge. The function of government communication is not to defend a law after a crisis has erupted, but to build public understanding of the problem and the policy before the controversy begins. This requires developing government-communication units to work in an integrated way with public-policy units, rather than mobilizing only after a bill has already been referred to parliament.

Between Government and Parliament: Redistributing Roles

Comparative experience shows that the most successful governments are not those that win the media debate, but those that ensure parliament debates legislation whose underlying philosophy has already been discussed in the public sphere. In this sense, a government's success is not measured by the number of press conferences it holds or the number of statements its ministers make, but by its ability to reach parliament having already completed the bulk of the work of building the legislation's epistemic legitimacy.

Parliament, meanwhile, remains the place where final democratic legitimacy is built, through debate, amendment, and voting. In this way, roles do not overlap, the executive branch does not turn into a political adversary of public opinion, and parliament is not asked to compensate for a dialogue that should have preceded legislation.

The problem is not that the government sometimes consults and sometimes does not; the deeper problem is that the quality of consultation should not depend on the nature of the bill, the ministry, the government, or the minister — it must become an institutional part of the legislative cycle.

The missing link, therefore, is not in the texts, but necessarily in the process. In recent years, public debate in Jordan has focused on the substance of many bills, while a more important question has remained outside the circle of attention: how were these laws made? Perhaps the answer to many legislative crises lies precisely in this question.

A government should not be measured only by its ability to produce “legislative” or “policy” texts, but by its ability to “build” policy. And parliament should not be measured only by the number of amendments it makes, but by its ability to scrutinize the foundation on which those policies were built — parliament as a democratic forum for examining the substance and the full life cycle of public policy.

The shift from a culture of “marketing laws” to a culture of “participatory legislation,” then, is not merely a procedural improvement; it is a shift in the philosophy of governance itself — from managing decisions to managing knowledge, from defending texts to building trust, and from treating legislation as the end of the process to treating it as one stop in a broader cycle of public-policy-making.

The challenge facing Jordan today is not producing more laws, but, without doubt, producing laws that are more legitimate, more evidence-based, more implementable, and more capable of earning citizens’ trust before demanding their compliance.

This, in the end, is not the responsibility of the government alone, nor of parliament alone, but of the entire system of governance and public administration — because in the twentyfirst century, the quality of legislation has become one of the most important indicators of the quality of the state itself.

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