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Dividing Electoral Districts and their Legislative Controls in Election Parliamentary 2024 in Jordan

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Abstract

This study was conducted after issuing the system of dividing electoral districts No. 52 of 2024 by the executive power (government) in order to hold the elections of 2024 according to it.

The study's idea has been derived from the previous notices related to distributing and dividing electoral districts by the government, where the previous divisions and the current division reveal that the government aims to manipulate the process of determining and dividing districts according to its directions and strategies related to reducing the dominance of opposition votes; this represents a severe violation to the validity of the electoral process and equity between voters and candidates.

Therefore, the study showed- based on statistics- the existence of the violation by the legislative and executive powers while dividing the number of population in districts and the seats specified to them; this shows arbitrariness in distribution and contradicts with the global indicators.

These findings were evident based on the tables and figures included in the study. The study concluded with a number of recommendations in order to have a fair and transparent elections that represent population in a real manner.

Keywords: H electoral district, voting power, judicial surveillance on distributing electoral districts, way of distributing electoral districts.

1. Introduction

It is known that the electoral process is a complex process that goes through defined constitutional and temporal stages. Based on this, it needs to be divided into procedures, where each procedure depends on what preceded it, until the elections are completed and culminate in the voting day, followed by important subsequent procedures such as announcing and approving the results by the supervising authority, as well as procedures for challenging the results if necessary.

The text begins with a set of preliminary procedures that are part of the preparatory stage of the electoral process, starting with the registration of voters in the electoral lists by committees authorized by the supervising authority of the elections.

Perhaps one of the most important preparatory tasks for the electoral process is the division of electoral districts, as it is considered a formal requirement for voting. The division of electoral districts is also one of the most important procedural guarantees that demonstrate the seriousness and integrity of the elections. It has become established as a necessity to have multiple electoral districts in the country. This is because it has an impact on both competing candidates and representatives of the districts in the legislative authority, as well as on the election results and the composition of the elected council, which should represent the people effectively.

The problem with studying:

The problem of the study revolves around the fact that in order to ensure the integrity of elections and achieve democracy, it is necessary to divide electoral districts by law rather than by a system. However, in Jordan, although the law has determined the number of seats and the number of districts, it has left it to the executive authority to issue a system called the electoral district division system. This allows the executive authority to manipulate the division of districts to ensure the victory of its supporters and restrict its opponents. On the other hand, the law and the system, when determining the number of seats in each district, were far from the most important criterion for achieving the principle of equal voting power or what is called proportional representation.

Study Questions:

- 1- What are the criteria followed by the legislator in the process of dividing constituencies and determining the number of seats in each constituency?
- 2- Which judiciary body is responsible for overseeing the process of dividing electoral districts?
- 3- What are the main methods used for dividing electoral districts, and what is the best principle that can be adopted when dividing electoral districts?

The importance of studying:

The importance of studying lies in the significance of the topic being researched, which is the division of electoral districts. This stage is considered one of the most important and precise stages that shape the electoral process. It is one of the procedural guarantees for the seriousness and integrity of parliamentary elections. It also works towards achieving justice and equality in the true representation of the people in choosing their representatives in the legislative authority.

2. Study methodology:

The study followed a descriptive, analytical, and comparative approach when examining the topic of judicial oversight of electoral district division and determination.

First topic:

The nature of electoral districts and how they are divided

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The division of a country into electoral districts is one of the most important factors that affect the electoral process. This division is important in achieving fairness in the electoral process and serves as a guarantee for elections in general.

The process of dividing the country into electoral districts is an important stage in the initial procedures. The electoral district is considered the link between the voter and their representative, and the division process affects the popular bases, which in turn reflects the actual composition of the representative council. This topic is divided into the following demands:

First demand: The concept of the electoral district

Second demand: Methods of dividing electoral districts

The first topic:

The concept of electoral districts

Researchers in the field of elections are interested in studying electoral districts. This study includes the geography of elections and the distribution of representatives and voters in electoral districts. Countries resort to adjusting the boundaries of electoral districts from time to time in order to form new population clusters that were not originally present, or to increase the population in certain areas and decrease it in others due to population movements (Karam and Al Ali, 2005).

In order to address the topic of electoral district division, it is necessary to first define what is meant by an electoral district, followed by explaining how electoral districts are divided.

Many interested individuals have studied the topic of electoral district division, providing different definitions in wording but agreeing in meaning. The electoral district has been defined as a self-standing geographic unit where registered individuals elect one or more representatives in parliamentary councils, according to the rules and procedures established in the election law (Shawqi, Yaish Tamam, 2012, p. 263).

As defined, it is an independent electoral unit in which the law allows residents registered in the electoral register to choose one or more representatives in parliament (Ben Ya'amour, Khaled Mohammed, 2014, p. 183).

And there are those who defined it as "a spatial division of the state for electoral purposes, where voters within the district vote to elect one or more candidates as their representatives in parliament according to the electoral system in place. The electoral districts are determined according to the electoral law issued by the legislative body" (Dabbas, Ali Mohammed, 1997, p. 13).

The second branch

Methods of dividing electoral districts

The process of dividing the state into electoral districts is an important and necessary process, as it enables voters to make the optimal choice among candidates. This choice becomes difficult if

the state is a single electoral district, as it does not allow voters to have a good understanding of the candidates (Jamal Al-Din, Dandan, 2013, p. 217).

The appropriate division of electoral districts enables the seriousness of elections to be achieved and, at the same time, helps voters exercise their rights easily and conveniently.

Due to the importance of dividing the country into electoral districts, and in light of the manipulation by the executive authority in the division process, where the executive authority relies on accurate knowledge of election results, in order to ensure the dispersion and weakening of its opponents in different districts, so that they do not have electoral weight (Al-Khatib, Naaman, 2021, p. 275). Therefore, the so-called artificial gerrymandering of electoral districts emerged to guarantee the victory of its supporters by fragmenting the opposition and weakening them in artificially created districts for this purpose (Al-Barzanji, Sarhang Hamid, 2015, p. 98). Consequently, democratic countries have turned to addressing the issue of division and determining electoral districts within the framework of the constitution, where electoral districts and the number of representatives in each district are divided using one of the following methods:

- 1- The constitution should determine in advance the number of required elected representatives, and accordingly, the state is divided into multiple districts (Afifi, Kamel, 2000, p.778).
- 2- The districts should be divided according to the population of the country, where the number of representatives is determined based on the population (Al-Barzanji, Sarhan Hamid, 2015, p.97).
- 3- Here, the constitution leaves it to the ordinary legislator (the legislative authority) to divide the districts and distribute the seats among them. It is worth noting that constitutional jurisprudence calls for not leaving the matter of district division and determination to the executive authority, so as not to exploit it for the benefit of its supporters (Al-Khatib, Nu'man, 2021, p.269).

The second topic

Methods of dividing electoral districts

By reviewing the methods and systems used to divide a country into electoral districts, it has been found that there are two methods or systems that countries can choose between. The first system relies on making the entire country one district that includes all regions or provinces of the country, while the second system is based on having multiple electoral districts.

The first system is based on considering the entire state as one electoral district. It was first implemented in Italy in 1928 and later in Portugal in 1933, and in Iraq in 2005 (Al-Abdali, 2009, p. 122).

The second system is based on dividing the state into a number of electoral districts that correspond to the electoral system adopted by the state, whether it is a single-member district system or a list system (Afifi, 2002, p. 799).

This topic is divided into two sub-branches as follows:

The first sub-branch: Methods of dividing electoral districts.

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The second sub-branch: Basic principles in dividing electoral districts.

The first approach

Methods of dividing electoral districts

Modern legislation employs various methods when dividing a state into electoral districts. In this section, we will explain these methods as follows:

The first method: According to this approach, the state is divided into electoral districts based on a predetermined number of elected council members set by the legislator. It also depends on the electoral system; if the system used in the country is the individual system, the state is divided into districts based on the number of elected council members predetermined by the legislator (Shawki, 2012, p. 268).

The second method involves determining the constituencies based on the population size of the country, where the number of elected council members is proportional to the population. This method allows for the possibility of increasing or decreasing the number of constituencies based on population changes (Darrag, 2020, p. 109).

The third method involves combining the previous two methods. It entails dividing the country into a fixed number of electoral districts, with the possibility of increasing the number of representatives within a district based on population growth. If we are to determine which method is better, I believe that the method that takes into account population size is the best because it considers natural population growth rates and population movements such as rural to urban migration.

The second branch

The basic principles in the division of electoral districts

In order for the process of dividing electoral districts to be fair, unbiased, and impartial, and to avoid favoring one party over another in winning seats and thus not truly representing the people in the elected council, jurisprudence and judiciary have emphasized the legislator's commitment to a number of principles when dividing the state into electoral districts, the most important of which are:

1- The principle of mathematical equality: Based on this principle, the number of voters should be as equal as possible in all districts, so that each citizen has the same political influence as another citizen, which means that every voter has the same political impact as another voter. One of the most prominent forms of violating this principle is to increase representation in a district with a smaller population than another district, or vice versa, to decrease representation. The deviation from the principle of mathematical equality is measured by measuring the degree of deviation from the average, or measuring the absolute deviation (Darraj, Osama Ismail, 2020, p.105).

This will be evident when discussing the distribution of purposes among electoral districts in Jordan. It is known that population disparities between one district and another can waste the

relative weight of votes, which in itself contradicts democracy, which requires that all citizens be represented in the elected council (Shawqi, Tamam, 2012, p. 271).

The principle of representational character means that electoral districts should be defined and divided in a way that allows voters to elect their representatives who truly represent them. Therefore, this can only be achieved if the electoral districts are divided according to the unity of interests and values of the voters in the district (Saad, Abdulrahim, 2015, p.24).

The principle of reciprocity: The essence of this principle is that the procedures related to the division of electoral districts should be clearly mentioned and defined in the law or legislation governing the electoral process, in order to ensure the fairness of the rules regardless of the authority responsible for the division process (Saad, Abdou, 2005, p. 66).

This requires the principle of equal opportunity to be available, which is practically achieved by distributing constituencies fairly and logically to achieve justice among voters. The United Nations Development Programme sees adopting the criterion of population density as a means to achieve this (Saad, Abdulrahim, 2015, p.24).

The second topic is the distribution of electoral districts in Jordan and the judicial oversight over them.

As mentioned before, the process of demarcating the boundaries of electoral districts and redefining electoral areas is an important and necessary process in any electoral system. For this reason, countries determine their electoral districts based on certain factors specific to the state itself. Some countries determine and distribute districts based on historical traditions, while others are influenced by what they inherited from the colonial state. Meanwhile, other countries determine these districts by considering factors such as the geographical area, financial resources, and population. In Jordan, since the establishment of the Emirate in 1921, the division or determination of electoral districts has not been based on a clear and defined factor except for the interest of the executive authority, which is to ensure the dominance of the opposition. This is evident in the fact that the executive authority controls the division and determination of districts based on a system issued by them. This will be evident to us through the tables and figures that illustrate the division of districts for the 2024 elections.

The First Issue:

Electoral Districts Division in Jordan

We begin this issue with a broad question, which is where do we stand in Jordan in terms of methods of dividing electoral districts, and what principles should be considered when dividing these districts, as well as the authority responsible for the division process.

In reality, Jordan is far from adopting what is suitable to achieve a minimum level of justice and democracy in the process of dividing electoral districts, and this is evident through the following points:

Firstly, the theoretical evidence supports this through the delegation of the process of district division to the executive authority to manipulate the division according to its interests, while the principle in the division process is supposed to be based on the constitution or at least on the

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laws issued by the legislative authority. However, setting the boundaries of the districts according to a system or what is known as the regulation issued by the executive authority is unreasonable.

Secondly, according to the table issued by the executive authority under the amended District Division System No. (52) for the year 2024, it clearly shows that the executive authority is not bound by the basic principles or minimum boundaries when dividing districts or distributing the specified parliamentary seats according to the election law.

With a careful examination of what tables number (1) and number (2) contain, and with what the figures and ratios reveal, it becomes clear that the executive authority, in agreement with the legislative authority, did not adhere to or commit to population equality or population density. Therefore, table number (1) shows the population, number of voters, number of seats, and the actual weight of the seat, indicating that the person responsible for dividing the districts did not consider the minimum limits of deviations from population shares, which is evident in table number (2).

Table (1) Population, number of voters, and allocated seats for each district, seat weight, and

percentage of voters compared to the number of voters and population.

percentage of voters com						F o F total control	
The percentage of voters in the districts to the total population.	The percentage of voters in the constituencies to the total number of voters.	The weight of the seat (its mass) is in thousands.	The number of allocate d seats.	The number of voters is in the thousands.	The population number in thousands.		The province
%0.14	%12	103	6	619.120	1584.190	The first circle	
%0.16	%16	105	8	845.111	1810.130	The second circle	A
%0.12	%9	79	6	475.132	1440.180	The third circle	Amman
%0.05	%0.06	45	8	355.606	593.200		Al-Balqa
%0.14	%14	73	10	732.399	1646.600		al'azraq
%0.02	%0.02	31	4	127.802	228.200		Madaba
%0.13	%13	85	8	686.170	1.451.800	The first circle	arbid
%0.06	%0.07	54	7	375.230	683.600	The second circle	arbiu
%0.02	%0.03	31	4	122.938	259.621	Al-Mafraq	
%0.02	%0.03	33	4	131.745	286.120	Jerash	
%0.02	%0.02	29	4	116.554	212.500	Ajloun	
%0.04	%0.04	23	8	188.543	365.900	Al-Karak	
%0.01	%0.01	15	4	61.951	101.200	Al-Tafilah	
%0.01	%0.01	15	4	59.372	152.100	Ma'an	
%0.02	%0.02	27	3	80.769	189.170	Aqaba	
%0.03	%0.03	37	3	111.412	260.799	Northern Bedouins	
%0.01	%0.01	24	3	72.795	127.100	Central Bedouins	
%0.01	%0.01	27	3	82.475	142.392	Southern Bedouins	
%100	%100	· ·	97	5245.124	11.538.722	Total	

^{*}This text is a statement about the design of a researcher and the numbers from the General Statistics Department for the population count for the year 2023.

Table (2) The table illustrates the actual number and the assigned number for each circle, as well as the deviation between them.

Deviation	The designated/allocated.	The actual		The circle
5-	6	11	The first circle	
7-	8	15	The second circle	Amman
3-	6	9	The third circle	Allillali
1+	8	7	Al-Balqa	

	4.0		
4-	10	14	al'azraq
2+	4	2	Madaba
5-	8	13	The first circle arbid
صفر	7	7	The second circle
2+	4	2	Al-Mafraq
2+	4	2	Jerash
2+	4	2	Ajloun
4+	8	4	Al-Karak
3+	4	1	Al-Tafilah
3+	4	1	Ma'an
1+	3	2	Aqaba
1+	3	2	Northern Bedouins
2+	3	1	Central Bedouins
1+	3	2	Southern Bedouins
0	97	97	Total

Designed by the researcher*

Figure (1) * Actual and assumed parliamentary seats in electoral districts

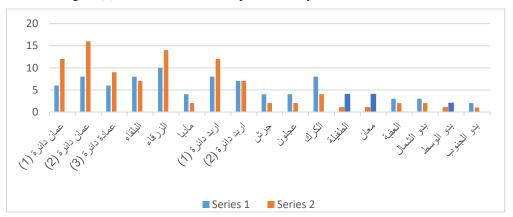
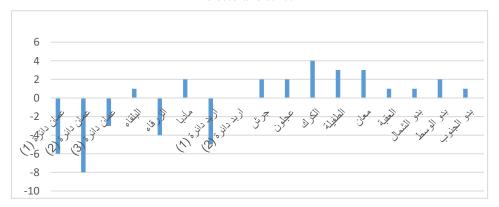


Figure (2) The amount of discrepancy between the actual seats and the assumed seats in the electoral district



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The researcher's work

Through this table, it appears that the electoral district division system number () for the year 2023 and the previous election law did not consider the achieved proportions of justice and equality and the principle of "one person, one vote." This is evident from the table that shows the population and number of voters for each district, as well as the allocated seats and the weight of each seat in each district.

From the table, it is noticeable that the weight of the seat ranges from 105,000 in the second district in Amman, to the lowest in the governorates of Tafileh and Ma'an, where it reached 15,000. This is a stark and unfair disparity, intended by the executive authority to besiege opposition forces, especially in Amman, Irbid, and Zarqa, and empower candidates loyal to it in areas such as the well-known Bedouin regions who have been loyal since the establishment of the state, as well as in governorates like Tafileh, Ma'an, Karak, Madaba, Ajloun, Mafraq, and Jerash. By doing so, the executive authority follows the gerrymandering method, invented by Gerry Mandering, the governor of Massachusetts, in order to create a majority in a certain direction.

The table (2) shows the actual number that each district should obtain based on the number of voters and the actual weight of the seat, which is 54,000 per seat, known as the relative weight of voters' voices. The table also indicates the number allocated by the election law and system, revealing a stark bias in favor of government-supporting regions and areas where the opposition is present.

According to the second table, it is evident that out of 18 circles, 12 circles have taken a higher number of representatives than they should have. Some of them have taken an additional 4 seats, when they should actually have 4 seats, while the system and the law have given them 8 seats. Some have taken an additional 3 seats, like Tafilah and Ma'an, and some have taken two additional seats, like Mafraq, Jerash, Ajloun, and the Bedouin of the Central Region and Madaba.

While some districts gained an extra seat, such as the southern and northern regions, Aqaba, and Balqa, these additional seats came at the expense of other districts, like the capital district, which was supposed to receive 35 seats but was allocated only 20. Similarly, Irbid province received 15 seats instead of the expected 20. The same applies to Zarqa province, which received 10 seats instead of the intended 14. Looking at Table 1, specifically the weight of the seat calculated by the equation:

We find that the weight or significance of a seat in the capital district is 105,000 in district (2), 103,000 in district (1), and 79,000 in district (3). However, we find that the weight or significance of a seat in the districts of Tafilah and Ma'an is 15,000, which is far from international standards, and represents the true weight of the seat, which is 54,000.

This demonstrates the extent of bias and manipulation carried out by the executive authority, as shown through the table, the intention behind it is to limit the influence of the opposition present in the capital, especially in the first and second districts, as well as the Zarqa and Irbid governorates.

It should be noted here that the study only examined the seats allocated to the electoral districts and did not refer to the seats allocated to the national district, which amount to 41 seats. The election law for 2023 came based on the outputs of the political update, allocating this number to the parties as an encouragement and preparation for the formation of a parliamentary government.

The second issue

Judicial oversight of electoral district division

There is no doubt that judicial oversight is one of the most essential guarantees that can achieve the principle of legitimacy in the state, leading to equality, fairness, and integrity in the electoral process as a whole, including the determination and division of electoral districts.

To achieve justice and equality, and to avoid reaching a point where the judiciary has the final say, the task of division must be assigned to a neutral entity. It could be included in the constitution or given to the legislative authority, but assigning it to the executive authority is illogical.

Firstly, judicial oversight exists in some legal systems around the world, including the United States, France, and Egypt.

Judicial oversight in America:

By reviewing the texts of the constitution, it is clear that the process of determining electoral districts and allocating seats in the House of Representatives is solely assigned to Congress. Therefore, the constitution mandates that the number of representatives in a state should be proportional to its population. As a result, the Supreme Court of the United States, being the constitutionally authorized body, began examining constitutional issues arising from the redistricting process. It established a general principle as a fundamental guarantee for all citizens, that each person has one vote (one person vote, 1963). The case of Gray V.Sandes was the first case in which the Supreme Court extensively examined the constitutionality of redistricting. This was done by challenging the system used in Georgia to allocate votes in the primary elections of the Democratic Party to choose the state governor and legislators. The system granted each county a specific number of electoral votes as a share of the state's allocated votes, so that the candidate who received the majority of votes in a county would receive all the allocated electoral votes for that county. The court ruled that using the system of allocated electoral votes to select one officeholder in one district contradicts the principle of equality, as a slight increase in votes allows the winner to receive all the allocated votes for the district, thus wasting the votes of those voters whose votes were not given any weight (Khalil, Adel Abdulrahman, 1995, p.24).

The periodic review rule is implemented based on Article 125 of the Election Law. This review aims to establish positive traditions that prevent governments and parliamentary majorities from creating divisions influenced by certain interests, thus eliminating what is known as suspicious negativity (Al-Abdali, Saad Muzloom, 2009, p. 141).

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The judicial oversight in Egypt:

The Egyptian constitution granted the Constitutional Court the authority to oversee the process of dividing electoral districts in Egypt, and its role became evident in its ruling issued on 23/12/1984. The petitioner based his claim on the violation of the contested law to the provisions of the constitution, which require the necessity of equality and equal opportunities among all citizens. Therefore, the clear and significant disparity in determining the electoral districts, their components, the number of members, and the imbalance in the relative weight of all citizens' votes, all constitute a violation of the principle of equality guaranteed by the constitution (Abdali, Saad Mazloum, 2009, p. 142).

In another ruling issued in 1999 in case number (37), the challenge was based on the violation of the principle of proportional representation, which resulted in the unequal weight of each voter's voice from one district to another. The Constitutional Court established an important principle that the rules set by the legislator should not confiscate or diminish public rights, including political rights. The restrictions imposed by the legislator in regulating these rights should not violate the principles of equal opportunities and equality as stated in the constitution (Shawqi, Yaish Tamam, 2012, p. 277).

Secondly, judicial oversight in Jordan:

The administrative judiciary in Jordan is responsible for reviewing judicial appeals regarding the electoral process after the results are announced. As for the preliminary procedures, the legislator has assigned them to the jurisdiction of the Court of First Instance.

Since the return of parliamentary life to Jordan in 1989, numerous appeals have been filed against the election law and the regulations issued under it. In 2003, for example, the appellants presented evidence claiming that the parliamentary elections for the fourteenth parliamentary council, held on June 17, 2003, were conducted in violation of the constitution. They argued that the temporary election law of 2001 and its amendments were issued in violation of the constitution, and that the system of dividing electoral districts and allocating seats for the year 2001 and its amendments were also unconstitutional (Court of Cassation, 353/2003, dated May 13, 2004).

Here, we are concerned with the objection to the electoral district division system, as the objectors argue that this system has led to the fragmentation of electoral districts. Some of the objectors also argue that this system restricts electoral districts in the kingdom, causing harm to parties and their leaders by depriving them of the benefits of larger districts and weakening their chances of winning parliamentary seats. The court's decision to dismiss the lawsuit was based on the formal expiration of the legal deadline.

3. Conclusion:

Based on the research presented, it is evident that the process of district division is considered one of the most important preparatory measures for elections, and it is a guarantee for fair and democratic elections. However, legal jurisprudence agrees that this guarantee should be

implemented through a law, not a system (regulation) by the government, in order to prevent manipulation in the distribution and division of districts that would secure victory for the government's supporters at the expense of the opposition. The study also reveals that the division process should be based on a number of principles and specific methods to ensure fairness in representation.

The study reached several conclusions:

- 1- The process of dividing and distributing electoral districts should be based on legislation from the legislative authority, unlike in Jordan where the executive authority interferes in order to serve its own interests and the interests of its supporters.
- 2- The study showed that fair distribution of electoral districts should be based on population, unlike in Jordan where it is unclear what criteria were used.
- 3- The study revealed a significant disparity in population numbers between electoral districts, especially between the capital city (Amman), Irbid, and Zarqa.
- 4- One of the most important results of the study is that some governorates received more seats than they deserved. More than 12 out of 18 districts received more seats than they deserved, as shown by the deviation in Table 2. This, in turn, affected the voting power among voters and thus influenced the most important criterion in distribution, which is population weight.

In conclusion, the Jordanian legislator, whether in the amended electoral law for 2024 or in the amended electoral district distribution system number 52 for 2024, did not succeed in following the proper principles and constants in distributing and dividing electoral districts, which affected the integrity and seriousness of the elections.

The study reached the following recommendations:

- 1- The distribution and division of electoral districts should be based on geographical factors, and the number of districts in the kingdom should be reduced to 12 instead of 18, with the capital and Irbid each having one district, and following the Bedouin districts for their respective provinces.
- 2- The allocation of seats according to the electoral law should be based on population criteria, with a relative variation in population within electoral districts within internationally accepted limits. It is clear that this criterion was ignored when dividing the electoral districts for the 2024 elections.
- 3- The executive authority should not be responsible for the distribution and division of electoral districts, as this would undoubtedly raise doubts about neutrality, negatively impacting the fairness and integrity of the elections.
- 4- The fundamental guarantee of fairness and integrity in elections, and the realization of the principle of voting equality and the true weight of the electoral vote, is subjecting the process of dividing electoral districts to the oversight of the competent judiciary. It would be preferable if the legislator specifies the jurisdiction of the Jordanian Constitutional Court, as is the case in

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Egypt where the jurisdiction lies with the Constitutional Court, and in France where it lies with the Constitutional Council.

5- The need for periodic review of the division and distribution of districts is necessary due to its importance in ensuring equality in the voting power of voters, as a result of population migrations, the establishment of new villages, and the formation of new population centers in the kingdom.

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