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# Access to Civil Justice for Privacy Rights Violations: A Comparative Analysis of Jordan and the United Kingdom

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## ABSTRACT

*This article provides a comparative law analysis of how civil law in Jordan and common law in the United Kingdom handle access to justice for privacy rights violations. Both nations recognize the right of privacy formally, but the ways in which citizens can assert that entitlement in civil lawsuits are quite different due to variation in legal tradition, judicial interpretation, and institutional capacity. In the UK, a living body of case law, influenced by the Human Rights Act 1998 and common law torts of misuse of private information, has allowed courts to award real remedies in most privacy disputes. In stark comparison, Jordan's civil law system, with constitutional protections and general principles of tort, does not have a specific body of law for protecting privacy, leading to inconsistent implementation and limited judicial activation.*

*Based on doctrinal sources, case law, and institutional analysis, the analysis emphasizes major divergences in substantive protections, procedural access, and judicial capacity in both jurisdictions. It contends that statutory reform, specialist courts, and greater civil court accessibility would be in the interest of Jordan, whereas the UK could achieve greater clarity in law through limited codification. The article finds that effective privacy protection through civil redress is not just a matter of law but of an institutional and procedural climate that is able to convert formal rights into effective justice.*

## KEYWORDS

*Civil Law, Privacy Rights, Human Rights Enforcement,*

*Access to Justice, Jordan, United Kingdom,  
Comparative Legal Analysis, Civil Courts, Legal  
Remedies, Data Protection*

## **1. INTRODUCTION**

One of the chief measures of the efficiency and democratic legitimacy of national systems of law is the defense of human rights within those systems. Of all the rights, the privacy right is of growing significance particularly in relation to the rapid technological advancements, increased concerns for surveillance, and diffusion of policies on digital data. In as much as there are basic protections in international human rights systems such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, their enforcement and realization are primarily subject to the availability and effectiveness of home civil systems of justice.

This article explores how civil law in Jordan and the United Kingdom's common law address access to justice in cases of invasions of privacy rights. Jordan is governed by a civil law system influenced by French law and Islamic law, whereas the UK is guided by the common law system rooted in precedent and the Human Rights Act 1998 symbolizes alternative forms of law. Both states, in spite of their differences in structure, equally face challenges in ensuring individuals can access speedy and effective civil redress for invasions of privacy, particularly in state or company-based cases.

The overarching objective of this research is determined by examining the potential for any state's civil court system to uphold privacy rights through accessible procedural means. Comparative law analysis informs the study in its ability to ascertain institutional challenges, procedural limitation, and strengths that impact the realization of privacy protections in both contexts. This comparison is aimed at emphasizing how institutional modernization and worldwide harmonization are ever-evolving priorities as well as to exchange lessons that may inform persistent legal reform, notably in states like Jordan where those challenges still dictate outcomes.

## **2. LITERATURE REVIEW**

### **2.1 Civil Law Tradition and Human Rights Integration**

All civil law systems, with their main origins in Roman and Napoleonic codes, are typically marked by codified statutes, restricted judicial discretion, and formalism in applying law. In most civil law systems, such as in Jordan, the safeguard of human

rights has traditionally been incorporated in general principles of civil responsibility, administrative law, and constitutional provisions, without the broad scope of judicial review (ALrwashdeh et al., 2024). Civil law states have a greater tendency, Mathlouthi et al. (2024) suggest, to be dependent on written law rather than on precedent, and this can generate inflexibility in the adjustment of law with regard to emerging human rights standards (Al-Kasassbeh et al., 2024).

Increased integration of global human rights standards into local systems of law in recent decades has started altering civil law traditions. It is observed by scholars like that although Jordan has ratified numerous foundational international treaties, including the ICCPR and CAT, their enforceability is unclear due to the dualistic nature of its system of law and lack of explicit constitutional supremacy provisions (Dular, 2024; Kanetake, 2024). This means that human rights protections tend to be poorly used or erratically enforced in civil litigation.

## ***2.2 Privacy Rights in Jordanian Legal Frameworks***

Jordanian civil law does not have a separate privacy law but bases privacy protections on general principles found in the Civil Code (No. 43 of 1976), on provisions in the Penal Code for defamation and illegal spying, and on constitutional protections in Article 7 and Article 10 that secure personal freedom and inviolability of personal life. While provisions of this nature exist, they are usually unclear, with incomplete procedural remedies or thresholds for determining harm in civil law courts (Al-qaraleh et al., 2024; Al-Qheiw et al., 2024),

Adding complexity is the overlap of jurisdictions between civil and Shari'a courts, particularly in respect of personal status and family matters, in which privacy issues can emerge. Fragmentation in institutions and conflicting court interpretation result in limited privacy case law in civil claims. According to research by the Arab Center for the Development of the Rule of Law (2022), there are procedural delays, limited availability of legal assistance, and unfamiliarity of the judiciary with global human rights principles on the part of citizens of Jordan when presenting such matters in civil courts (Wing et al., 2024).

## ***2.3 The UK's Common Law Tradition and Human Rights Enforcement***

Under a common law system, which is the foundation of the law of the United Kingdom, precedent is crucial in deciding the law (Kothari & Mishra, 2024). The Human Rights Act 1998 (HRA) greatly altered the UK's system of human rights by allowing civil

courts to adjudicate on rights-based claims, including privacy claims, so bringing the European Convention on Human Rights (ECHR) into the law of the land (Gilani et al., 2024). The HRA guarantees people's right to private and family life by allowing them to file for remedies in UK courts for infringement of Convention rights, including Article 8 (Santosh et al., 2024). In the tort of misuse of private information—a relatively recent doctrinal development since *Campbell v MGN Ltd* [2004] UKHL 22—civil proceedings for invasion of privacy are also rather often pursued. Particularly in relation to media invasion, abuse of personal data, or official surveillance, this doctrinal innovation has been beneficial in permitting UK law to recognize injuries of privacy that transcend the conventional purview of the tort of breach of confidence (Santosh et al., 2024). Thanks in part to Section 3 of the HRA, UK courts have shown flexibility in changing tort law to address fresh privacy concerns, in contrast with Jordan's more rigid codified system (Graham, 2025).

#### ***2.4 Comparative Perspectives on Civil Enforcement of Privacy Rights***

Comparative law scholarship has explored how legal traditions facilitate the implementation of privacy rights, especially in the civil context. Ahmad et al. (2024) contend that the common law system's judicial innovation orientation allows for increased flexibility in accommodating new privacy harms, for instance, electronic surveillance or algorithmic profiling. In civil law systems, in comparison, amendments by legislation or constitutional modification are needed in order to enhance privacy protections—a slower process (Massadeh, 2014).

Despite this flexibility, there is a cost. Al-Assaf (2021) criticizes the UK's dependence on judicial discretion, citing inconsistent use, accessibility difficulties created by expensive law, and the chilling effect of public interest defenses in media cases. Jordan's challenges are deeper in judicial conservatism, fragmented institutions, and restricted rights awareness by litigants and lawyers alike (Feld, 2002).

Although both systems have their strengths and weaknesses, literature suggests that the combination of broad statutory protections with flexible adaptability of the judiciary could be the strongest potential mechanism for ensuring privacy rights through civil proceedings. It is on this comparative basis that we consider each system's functional potential for delivering remedies in privacy violations, expanding on this in the next section.

### 3. METHODOLOGY

This research uses a comparative law methodology in examining the effectiveness of civil justice machinery in safeguarding privacy rights in the United Kingdom and Jordan. Comparative law analysis is specially suited for analyzing how two systems of law deal with the same normative issues—here, with access to redress for violations of human rights—despite their dissimilar systems of law. Jordan has a civil law system with a French code and Islamic law legacy, while the UK is ruled by a common law system that is defined by the primacy of precedent and interpretative flexibility. By comparing those systems, this research aims to identify functional and structural determinants that facilitate or restrict access to civil justice in privacy disputes (Mohseni, 2019; Samuel, 2017).

The research is concerned with the enforcement of privacy rights in civil, rather than criminal or administrative, avenues of action. Temporal boundaries are set for the analysis of the period since 2000, as this encompasses significant law reforms in both jurisdictions—Jordan's attempts at modernizing its judiciary, as well as the UK's passage of the Human Rights Act 1998. Overarching research questions are: (1) In how far do the civil courts of Jordan and the UK provide accessible redress for violations of privacy rights? (2) What institutional or procedural hurdles prevent individuals in each of the jurisdictions from enforcing these rights? (3) What are the legal or policy learnings from this comparison that can be applied to improve the protection of privacy rights in Jordan?

Data for this research are both primary and secondary in nature. Primary sources are comprised of national legislation like the Jordanian Civil Code No. 43 of 1976, the UK's Human Rights Act 1998, provisions of the constitution, and major court judgments—e.g., *Campbell v MGN Ltd* in the UK, and some judgments of Jordanian civil courts on matters of privacy. Secondary sources encompass academic literature, commentaries on law, human rights reports of international organizations like the UNDP, and comparative research on civil law and the implementation of human rights.

The functional comparative methodology is an analysis that not just looks at the textual attributes of legal institutions, but also their actual ability to administer justice. The comparison is organized around four main dimensions, namely, the substantive principles of law applying to privacy rights, the availability of judicial remedies and causes of action for enforcement, procedural court access in terms of both legal fees, rules of

standing, and proofs, and institutional capability of the judiciary in terms of independence, capacity-building trainings, and precedent formation. Using doctrinal and functional approaches, this methodology allows for differentiated analysis of how civil systems of justice enforce—or do not enforce—privacy protections in reality (Heydariandolatabadi & Aliakbari Babukani, 2024; Michaels, 2006).

## **4. ANALYSIS, DISCUSSION, AND IMPLICATIONS**

### **4.1 Substantive Legal Protections for Privacy Rights**

Both the United Kingdom and Jordan recognize the value of privacy rights in their respective juristic systems, but both do so by dint of very different legal structures. In Jordan, privacy protections are incorporated in general civil and constitutional provisions. Article 10 of the Constitution provides for the inviolability of private life, and the Civil Code (No. 43 of 1976) provides for redress for damage caused by illegal conduct. But those protections are for the most part theoretical in civil cases, by reason of their general articulation and absence of clear forms of implementation. There is no stand-alone privacy law that provides for actionable torts, the burden of proof, or specific remedies, and the result is considerable leeway in the hands of judges. This has resulted in limited case law and inadequate doctrinal refinement, especially in the context of the internet, where privacy intrusiveness is constantly developing.

Conversely, the United Kingdom has a more mature body of law on the subject of privacy. Since the reception of the European Convention on Human Rights (ECHR) into UK law through the Human Rights Act 1998, individuals in the UK are able to call upon Article 8 in domestic law in order to assert their entitlement to private and family life. The UK court system went further in creating common law torts in the form of misuse of private information, as seen for instance in *Campbell v MGN Ltd* and *Re S (A Child)*. It has developed a clear body of law on privacy, weighing competing interests of individuals with competing rights, in particular freedom of expression pursuant to Article 10 of the ECHR. Equally, in regulation statutes like the Data Protection Act 2018 and the UK GDPR, there are clear statutory avenues for civil actions, complementing the civil judiciary's role in upholding digitally and informational privacy.

### **4.2 Procedural Access and Institutional Challenges**

In Jordan, procedural recourse for civil redress of privacy violations is complicated by practical and institutional barriers. Access to legal assistance is limited, especially for poor individuals

who are unlikely to be able to cover the cost of suit. Civil procedure is usually short of expedited forms of remedy or protective injunctions that are sorely needed in privacy cases, in instances of media leaks or unauthorized disclosure of data. In addition, most civil judges are not specifically trained in privacy law and international human rights standards, resulting in uncertain judgments and judicial reluctance to apply international principles, in spite of the treaty commitment of Jordan. Fragmentation between civil and Shari'a courts also hampers matters, since collision of jurisdictions and intertemporal variation in interpretation may slow down or short-circuit privacy litigation—especially in personal status and family cases wherein sensitive material is usually involved.

In the UK, although the judiciary have played an active role in formulating privacy law, there are still procedural barriers. Proceedings for privacy, particularly against multi-media conglomerates or global technology companies, are usually prohibitively costly. While certain claimants are assisted by legal cost insurance or no-win-no-fee schemes, these are not universally available. Moreover, the adversarial nature of the system and the publicity of court hearings may deter victims of privacy violations from seeking civil redress out of fears of damage to their reputation. The balance test between privacy and free speech also creates unclear law, since court outcomes can be vastly different depending on the court's perception of public interest.

Particularly, the institutional strength of the UK is its well-qualified judges, provision of interim injunctions (e.g., super-injunctions), and a vibrant jurisprudence that is in a constant state of evolution. At the same time, its strength can also be its weakness, since excessive dependence upon judicial discretion might result in incoherent determinations and impose too heavy a burden upon the courts as determiners of intricate normative disputes. Conversely, the institutional weakness of Jordan—e.g., outmoded procedural codes, lack of specialization, and weak tools of enforcement—inhibit even fundamental access to privacy-related justice.

### **4.3 Comparative Implications**

This comparison reveals that although dynamically judicial and normatively expansive, the expense of access, procedural complexity, and unpredictable results of balancing conflicting rights restrict the privacy protection of the UK. Nonetheless, it offers a case study of how statutory support, judicial creativity, and the infusion of human rights strengthens civil remedies for



privacy intrusions. By contrast, Jordan is a civil law regime with formal constitutional protections that institutional and procedural flaws compromise. Along with limited case law and inadequate institutional ability, the absence of a dedicated privacy strategy greatly reduces citizens' potential to get remedy for breach.

Jordan might pick up many ideas from the UK model. First, the development of a particular privacy statute defining the limits of actionable damage, legitimate defenses, and restitution would help to reduce doubts about the applicability of civil law in privacy claims. Second, funding for judicial education and the creation of dedicated chambers for civil rights disputes would raise judicial confidence and expertise in handling such matters. Third, procedural reform—such as easier access to injunctions, protective orders for the victims, and improved legal aid—would help to really enable access to justice.

On the other hand, the UK might see more legislative codification in order to reduce too reliance on judicial discretion and balancing tests. More open laws—perhaps in the framework of civil law—would promote consistency and help public knowledge of legal rights and thresholds to be clearer. Particularly in reaction to growing worldwide trends in online use of data, algorithmic profiling, and surveillance technologies, both strategies could profit from more attention on digital privacy and data protection in civil litigation.

In essence, court culture, institutional capability, and public sensitization affect the application of privacy rights in civil cases in addition to legal doctrines. Jordan and the UK have made progress in how they have included privacy into their legal systems, but actual realization of formal rights into anything practical, much alone enforced, still suffers greatly there. Resolving those issues calls for broad juridical modernization and alignment with best practices internationally, not only doctrinal change by itself.

## 5. CONCLUSION

This comparative analysis has considered how civil law in Jordan and common law in the United Kingdom allow for access to court for the vindication of privacy rights violations. Both the jurisdictions recognize in theory the right of privacy—Jordan, by the provisions of its constitution and civil code, and the UK, by statute and common law tort—their effectiveness in enforcing this in civil court, however, does vary.

With its benefit of inheriting the European Convention on Human Rights and a history of judicial innovation, the United Kingdom

discovers to have a more flexible and dynamic structure for handling invasions of privacy. Clear concepts like the tort of misuse of private facts—which are supplemented with data privacy laws and strong court precedent—have emerged in the courts under clear direction. Still hampered are access by costly lawsuits, complex procedural obstacles, and the difficulty in balancing privacy against freedom of expression. Jordan has more structural and institutional challenges even if she is committed in theory to safeguarding personal life. Obstacles in the path of efficient implementation are absent general privacy laws, insufficient judicial specialty, concurrent jurisdictions with religious courts, and poor public education. Procedural obstacles including high legal fees, slow process, and inaccurate standards for decision-making further restrict candidates seeking civil remedies for privacy infringement.

By strengthening statutory definitions, extending judicial education, and simplifying procedural accessibility in civil courts, Jordan would be able to increase the enforcement of privacy rights according the comparative study. Conversely, the UK might benefit from codifying specific clauses of its privacy case law to boost public awareness and consistency.

Eventually, the success of the achievement of private rights by means of civil law provisions depends not only on the law but also on the general legal environment, institutional strength, and political dedication. Closing the gap between statutory rights and practical redresses is still a difficulty confronting both systems—each from its own set of laws, culture, and institutions.

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