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The governance of non-governmental organizations: Critical lens for laws and regulations

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ABSTRACT

In the context of evolving legal frameworks, this research investigates the changing dynamics of Non-Governmental Organizations (NGO)-government relationships in Jordan. Employing a critical methodology, the study conducts in-depth interviews with NGO board members to gain insights into these intricate interactions. The primary findings highlight significant demands within the NGO sector. Firstly, there is a call for a streamlined process for registering new NGOs, aimed at reducing bureaucratic obstacles and promoting organizational agility. Secondly, respondents emphasize the need to curtail government intervention in the NGO domain, advocating for a more autonomous civil society. Concurrently, there is a push for expanding the operational scope of NGOs, freeing them from unnecessary constraints. These demands collectively signify a transformation in the typology of the NGO-government relationship, moving away from traditional autonomy and competition towards a paradigm characterized by complementarity, collaboration, and direct engagement. This shift has notable implications for NGO governance, impacting communication styles and facilitating the flow of foreign funds. In essence, this research offers a glimpse into the evolving NGO-government relationship and its potential to enhance the efficiency and resilience of NGOs in Jordan, reflecting broader global trends in governance and civil society.

1. Introduction

Strikingly, the budget of NGOs is estimated to be multi-billion dollar enterprises. It is also constitute one of the major segments of the economy for all industrialized country. It is obvious that NGOs aim to provide the best services to the client. Likewise, services will not meet the quality promised unless there is a good management that works at all levels to achieve the goals of these organizations (Lutfi et al., 2022a,b; Mansour et al., 2024). However, the last several decades have witnessed major cultural and political shifts in the services delivery philosophies of social and educational programs. Therefore, administrators have been forced

to look beyond the provision of services and to become competent in judging the efficiency and the effectiveness of their programs (Al-Hiyari et al., 2024; Alshira'h et al., 2020). The principal notion for a human service agency is to improve the lives of the clients it serves (Marei et al., 2024). In recent decades, research has highlighted the vital role of Non-Governmental Organizations (NGOs) in economic and social development. NGOs encompass a wide range of charitable, not-for-profit, and voluntary organizations, such as social unions, environmental associations, youth clubs, and human rights organizations (Marei et al., 2023; Unerman & O'Dwyer, 2006). Positioned as the "third sector," distinct from government and private sectors (Mansour

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et al., 2020; Vakil, 1997), NGOs share common features of independence, non-profit orientation, reliance on voluntary work, and receiving donations from national and international funders (Fernando and Hes-ton, 1997; Lewis, 2013; Unerman and O'Dwyer, 2010; Mansour et al., 2022a,b). The objective of social work welfare NGOs we are often told, is to bring about some desired change in people, whether in their behavior, functioning, or living conditions rather than to make a profit. The lament that social services organizations do not have specific measurable goals has been used not merely to justify a distinct administrative framework but also the serve as a rationale for the lack of program effectiveness. Schools of social work have only recognized the validity of specialized training for administration. On the contrary, social services organizations will continue to perceive as being poorly managed and promote the belief that social workers do not make good administration (Mansour et al., 2022).

However, the exploration of the NGO sector in Arab countries, including Jordan, remains limited compared to Western countries (Elbayar, 2005; Mansour et al., 2023). Critical assessments of NGO laws and regulations in Arab countries, including Egypt, Lebanon, and Jordan, emphasize the need for further investigation (Alshirah et al., 2021; Elbayar, 2005). The Arab Spring has prompted Arab governments to relax NGO laws, providing more space for the sector (Alshirah et al., 2022; Gilbert and Mohseni, 2020).

To address these gaps, this study aims to comprehensively examine NGO laws and regulations in Jordan, focusing on the post-Arab Spring context. It seeks to understand the governance and accountability of the NGO sector and contribute to knowledge on Arab NGOs through the lens of laws and regulations. Additionally, it aims to stimulate future research on NGO governance and accountability while exploring the dynamics of the NGO-government relationship in pursuit of social progress.

The study's objectives are twofold: first, to examine the typologies of the NGO-government relationship within the changing legal framework in Jordan; second, to evaluate the impact of laws and regulations on NGO governance and accountability. To achieve these objectives, the study will employ a critical methodology, including interviews with NGO board members in Jordan with directed content analysis. The findings will enhance understanding of governance dynamics within the NGO sector, specifically regarding communication styles and the flow of foreign funds.

The subsequent sections will review existing literature on NGOs, NPOs, CSOs, charities, and social enterprises, as well as explore the laws and regulations governing the NGO sector in Jordan to provide the necessary background for the analysis.

2. Previous research and context of the study

This section presents the main studies that cover the definitions of NGOs according to the laws and regulations lens, highlighting the context of the NGO sector and its laws and regulations in Jordan. Finally, it lists the laws and regulations of the NGO sector in Jordan, which will be covered in the analysis of this research. Moreover, the motive of this section of the research is to discuss a crucial alliance between human service organizational and governance issues.

2.1. Defining NGOs from the lens of laws and regulations

To establish alliance between human service organizations and governance entities, it is crucial to comprehend non-governmental organizations (NGOs) from two distinct viewpoints: the social and the juridical definitions (Feng, 2017). The social definition, as explained by Martens (2002), highlights the significant roles that NGOs play in advancing societal progress. It encompasses a wide range of organizations, including environmental, human rights, and youth-focused entities. On the other hand, Martens (2002) also emphasizes the juridical definition that revolves around legal processes governing NGOs'

recognition as per national and international laws. It is important to note that international institutions such as the World Bank and the United Nations mandate NGOs to undergo official governmental registration before forging partnerships or receiving financial assistance (Alger, 2014; Banks and Hulme, 2012). Therefore, bridging the gap between these definitions is critical to establish effective alliances between human service organizations and governance within this context

Establishing partnerships among human service entities and tackling governance concerns entails a strong dedication to adhering to laws and regulations, serving as a foundation for guaranteeing efficient governance, responsibility, and thorough auditing processes in non-governmental organizations (NGOs), as stressed by Brinkerhoff (2017). The legal basis undergirding any terminology is contingent upon NGOs' meticulous adherence to legal mandates and regulations covering various elements like registration, reporting, and transparency (Alqudah et al., 2023). NGOs often considered them as organizations that were "voluntary," "not-for-profit," "independent," "nonpartisan," and "apolitical" (Martens, 2002) although some characterized them as a counterbalance to governments (see Slavíková et al., 2017). Secondly, NGOs have garnered special distinction, profiled as the sweethearts of development, philanthropist agents serving "public goals" that governments are unable to deliver (Banks et al., 2015). The traditional conceptions and claims of nongovernmental organizations (NGOs) have profiled NGOs as civil society representatives and as benevolent philanthropic actors of development in the Global South. However, recent phenomena indicate NGOs often acting in opposition to their benevolent claims (Laraswati et al., 2022).

As an example, the European Commission has put forth a specific set of criteria to define non-governmental organizations (NGOs), which reflects their rigorous standards for recognition. These conditions involve engaging in voluntary work, refraining from any financial interests among members or leaders, maintaining independence from government influence, formulating a formalized vision and mission statement, and demonstrating a dedicated commitment to promoting social progress and meeting public needs (European Commission, 2001). In regards to fostering partnerships between human service organizations and addressing governance concerns, these legal requirements play an integral role in shaping the collaborative landscape while ensuring that alliances adhere to established legal norms and principles. This research focuses on studying the legal definition of NGOs in Jordan and evaluating the laws and regulations governing the NGO sector to enhance governance and accountability. While existing research explores the impact of NGOs on laws and regulations, there is a lack of specific research on evaluating NGO laws and regulations in particular contexts. Elbayar (2005) points out the limited academic history in studying NGO laws and regulations despite their complexity and significant role in managing the NGO sector. This research aims to fill this gap.

2.2. Linking laws and regulations to governance

For several decades, scholars have been persistently pursuing a particular research objective, as emphasized by Coston (1998). However, the task of developing a comprehensive theoretical structure or defining classifications that can successfully examine and clarify this intricate association continues to be a significant obstacle, primarily because of its inherent intricacy (Coston, 1998).

In order to promote social progress, governmental institutions must acknowledge the importance of NGOs in society and their crucial role, as emphasized by Kramer (1992). It is equally important for NGOs to maintain an awareness that they operate within a legal and political framework that is influenced by the government, as noted by Coston (1998). Therefore, establishing cooperation and collaboration between the NGO sector and the government is essential, particularly in rapidly transforming regions like the Arab region. In such contexts, it becomes vital to harmonize the efforts of both sectors to achieve common societal

goals and navigate the complexities inherent in their interactions.

[Esman and Uphoff \(1984\)](#) set five typologies of NGO-government relationship, all of which are sorted ascending level of relationships:

- Typology (1): autonomy (competition): which is a weak relationship as there is no cooperation between NGO and the government, and the government does not interact with the NGO sector.
- Typology (2): low (Cooperation): which has stronger cooperation between NGOs and government than typology (1). In this typology, there is a linkage between NGOs and the government but with a low level of interaction.
- Typology (3) moderate (Collaboration): here, the linkage between NGO and government has some interaction but is not regular.
- Typology (4): high (Complementarity): here, there is a strong interaction between NGOs and the government, but NGOs still control their resources.
- Typology (5): direction (Third-party government): in this typology, government controls all NGO projects and resources, so they have heavy interactions. However, this typology presents a weak independence for the NGO sector.

[Coston \(1998\)](#) argued that in the first typology, there is a type of resistance of acceptance and lack of confidence between NGOs and the government; on the other hand, typologies 2, 3, 4, and 5 have institutional approval from both NGOs and the government. Generally, there is a black hole in the NGO-government relationship, the government wants to control the NGO sector, and NGOs want a free environment without restrictions regarding their funds and operation.

These typologies are affecting NGO governance from two perspectives ([Zimmer, 1993](#)): the first one is the source and management of funds and donations (for example, typology 5: direction: as the funds and grants are paid directly to government and NGOs are just third-party contractor to the government). The second perspective is the interaction and communication formality between NGOs and the government (for example, typology 1: autonomy has an informal communication style). This study seeks to understand the relationship between the NGO sector and the government in Jordan and empirically criticize it by criticizing the existing laws and regulations, then presents some recommendations to have a better relationship.

2.3. The context of the study

- The NGO sector is one of the most critical sectors in Jordan besides the Jordanian government and private sectors. It is a well-established sector as its history is from the constitution of Jordan as a country in 1921. [Aljarbi \(2013\)](#) categorizes the history and transformations of the Jordanian NGOs into six phases. Based on their involvement in society, he classifies NGOs as civil society organizations. The six phases are: First Phase: 'Beginning phase' (1921–1948) saw the establishment of 50 civil society organizations in Jordan, primarily charities, operating under the Ottoman law for civil society. The first registered NGO in Jordan was 'The Development of Orthodoxy Organization' in 1925, followed by the 'People Political Organization' in 1927. Jordan gained independence in 1946, strengthening the role of civil society as part of the state.
- Second Phase: 'Starting and emission' (1948–1958) marked the enactment of Jordan's first constitution in 1952, granting the right to establish NGOs and protect human rights. The Ministry of Social Development was established in 1951 to oversee civil society. Cultural, political, professional, and youth organizations emerged during this period, with 342 NGOs operating in Jordan by 1957.
- Third Phase: 'Oscillation' (1958–1967) witnessed a decline in civil society's role due to political party registration freeze and martial law imposition following regional instability. However, the number of charity associations increased, and Jordan saw the creation of thousands of national NGOs, reaching around 4700 by 2013. The

phase also saw the emergence of NGOs focusing on refugees and human rights issues, influenced by the Arab Spring and Jordan's adoption of the UN SDGs.

- Fourth Phase: 'Disappearance and Atrophy' (1967–1989) experienced a lack of civil society organizations due to unstable political events, including the September 1970 war and disengagement with the West Bank of Palestine in 1988.
- Fifth Phase: 'Start again' (1989–2000) saw increased political stability in Jordan, leading to a more active civil society. The number of NGOs rose significantly, reaching around 1000 by 2000.
- Sixth Phase: 'Proliferation' (2000–2013) was characterized by King Abdullah II's vision to develop civil societies and engage NGOs in addressing social issues. Agreements with international bodies such as the UN and the WB (World Bank) further encouraged NGO involvement in effecting change in Jordan.

2.4. The Arab spring

The Arab Spring changed life in Arab countries in different aspects, such as social and political life ([Harris, 2015](#)). It presses on Arab countries' governments and regimes to be more democratic and relax different laws and regulations for the public. In the early stages of the Arab Spring in 2011, [Helfont and Helfont \(2012\)](#) conducted interviews with Jordanian protestors to elucidate the underlying motivations for their call for reforms. These interviews unveiled a confluence of pressing issues, including a soaring national debt, rampant unemployment, a reduction in government subsidies, and a pervasive problem of corruption.

In response to the public's demands, King Abdullah II delivered two influential speeches, signaling his acknowledgment of the people's concerns, particularly with regards to accountability and the need to combat corruption within the governmental sector ([Helfont and Helfont, 2012](#)). This acknowledgment precipitated the formation of thousands of non-governmental organizations (NGOs), with the number now reaching approximately 5000, more than half of them established post-2011 ([Ministry of Industry and Trade, 2018](#)). Many of these newly formed NGOs share a common mission: to safeguard and advance the well-being of the populace while advocating for enhanced human rights and overall development ([Ministry of Social Development, 2015](#)). However, the proliferation of NGOs raises pertinent questions: what are the laws and regulations of this sector? What about the level of applicability of those laws and regulations? What is the feedback on NGO laws and regulations from the NGO board members? All these questions will be answered in this research. [Laughlin \(1991\)](#) argued that jolts and changes in the external institutional environment in any society will dramatically affect its sectors from governance, accountability, laws, and regulations lenses.

The Arab Spring effects on Jordan is not only internal but also external. Syria, which has one of the biggest boards with Jordan, had a catastrophic civil war. Consequently, Jordan opens its door to receive Syrian Refugees, which has had a considerable impact on Jordanian society and economy. According to the Syrian Refugees' response plan, Jordan has around 1.5 million refugees from Syria.

3. Critical theory

In the present research, critical theory has been used. Critical theory questions the status quo and considers it unsatisfactory in practice, then seeks change and promotes it ([Gallhofer and Haslam, 2004, 2019](#)). The Frankfurt Institute of Social Research, better known as the Frankfurt School, was founded in 1923 in Germany as a central institute for critical theory. The key members of the school were Max Horkheimer, Leo Lowenthal, Theodor Adorno, Erich Fromm, Herbert Marcuse, and Jurgen Habermas ([Bronner, 2011; Laughlin, 1987](#)). The critical theory aims to change society to become more rational, free, and fair. [Laughlin \(1987\)](#) p. (482) explains this as follows:

“The primary concern of all critical theorists was, and still is, with a historically grounded social theory of the way societies and the institutions which make them up, have emerged and can be understood. Interpretation is never for its own sake but forms part of the important understanding which can allow some desired “transformation” of societies and their institutions so that a “true, free and just life” can be assured.”

The application of critical theory matches with this research aim as it seeks to criticize the laws and regulations of the NGO sector in Jordan after the Arab Spring and generate a better status quo of them to help the NGO sector, their beneficiaries, and regulators. Furthermore, critical theory urges scholars to investigate the viewpoints and experiences of underrepresented groups, such as non-governmental organizations and their beneficiaries, who may be disproportionately affected by restrictive laws or a lack of regulatory control (Ebrahim, 2003). By focusing on the voices of various stakeholders, the research can highlight the specific obstacles and barriers they experience while acting within the legal framework and pushing for social change. Critical theory also helps researchers adopt a reflective approach to their work, encouraging them to critically examine their own positionality, prejudices. This reflexivity is necessary in order to produce insights that are attentive to the needs and aspirations. Using critical theory to challenge and change current laws and regulations to better serve the interests of NGOs, their beneficiaries, and regulators alike would ultimately result in a better status quo for the NGO sector in Jordan.

4. Methodology

4.1. Data collection

The critical theory focuses on the norms, tradition, and subjectivity of social phenomena that are constructed and developed based on human understanding. Thus, the essential purpose of theory is to change the situation rather than to sly understand it (Cohen et al., 2007; Gallhofer et al., 2013). To achieve that, this research will apply qualitative research to understand human meanings (Bryman, 2016; Eyisi, 2016) by interviewing NGO board members in Jordan. Moreover, this will apply content analysis for NGO sector laws and regulations in Jordan with some other documents and announcements from the Jordanian government, which are published in official newspapers. Saunders et al. (2009) discussed that researchers could use governmental reports as a critical discussion in their work. They are also concerned that the “quality” of governmental data may be higher than the researcher data, specifically if governmental data help the researcher in achieving their research objective. So, studying the NGOs’ laws, regulations, and other articles in Jordan will help build up the methodology of this current study.

Population is all board members in NGOs in Jordan, who are registered with Ministry of Social Development in Jordan, according to the Guide of General Union for Voluntary Associations (GUVS) there are 6321 NGOs registered as at 31st December 2020 (GUVS, 2020). NGOs registered after that date has been excluded from population of this research because they are presumed not to have gained enough experience to form attitude toward the issues raised in this research. Subjects of the study were selected from 6321 non-governmental organizations, which were selected through cluster sample method using the organization as a unit. Also, the clients were selected randomly from these organizations using simple random method were the organization used as a unit.

The interview questions (Guide) focus on critical thinking about NGO laws and regulations and how they can be better for NGO board members. The content analysis goes deeply into NGO laws and regulations, and other governmental reports criticize them and seek to change them to be better for NGOs and their beneficiaries. Twenty interviews have been conducted with national (Jordanian) NGO board members

with at least eight years of experience in this field. The interviewees are from different NGO fields, such as environmental, youth, human rights, development, and Syrian refugee fields. The average time for each interview was 45 min, and all of them were conducted in the national (Arabic) language to have better meanings from the data (see Xian, 2008).

Moreover, all interviews were tab recorded. The board members were coded from BOD1 to BOD20. The interviews were conducted in the period from April - August 2021. To support the findings which are extracted from the interviews, we also conducted a Directed content analysis. The directed content analysis was carried out after the interviews. Hsieh and Shannon (2005, p.1283) argued that “[t]he main strength of a directed approach to content analysis is that the existing theory can be supported and extended.” Therefore, directed content analysis was used to increase the trustworthiness and validity of the study. The content analysis is performed for the following laws, regulations, and other governmental reports, which are listed in Table (1).

The interviews will have the main source of data in this research using an inductive approach. The content analysis of laws, regulations, and other documents will be supportive (deductive) data for the primary data (interviews) to validate their findings.

4.2. Data analysis

The analysis is conducted in two phases. Phase (1) uses thematic analysis (Braun and Clarke, 2006; Terry et al., 2016) for interview data. We employed five steps of Thematic analysis:

- (A) We read and familiarized ourselves with the data set from interviews,
- (B) Collected similar and close meanings,
- (C) Put codes and nodes into groups,
- (D) Wrote the initial themes,
- (E) finally, we reviewed them to generate final themes (Braun and Clarke, 2006).

In phase (2), we employed Directed content analysis to validate the interview results and theory (Hsieh and Shannon, 2005).

In the first phase, which is interviews analysis, and after

Table 1
Data for content analysis.

| Title of the Law or Sub-law | General Description |
|--|--|
| 1. Instructions for the Competent Ministry for NGOs No. 147 of 2011 | Links each NGO to the competent (specialized) ministry of its field. |
| 2. The NGOs Law No. 51 of 2008 and its amendments | The main regulated law for NGOs in Jordan, covering registration, liquidation, responsibilities, and more. |
| 3. NGOs’ Support Fund Instructions of 2011 | Provides instructions for the NGOs’ support fund. |
| 4. The Instructions of the Statute of NGOs No. 57 of 2010 | Instructions regarding the statute of NGOs. |
| 5. The Unions System No. 67 of 2010 | Deals with the system for unions. |
| 6. The Process for Approval of Foreign Donations to NGOs of 2015 | Defines the process for approving foreign donations to NGOs. |
| 7. The Companies Law No. 22 of 1997 and its amendments | Governs companies and their amendments. |
| 8. The System for Nonprofit Orgs. No. 73 of 2010 | Concerns the accounting and disclosure system of NGOs. |
| 9. The System for Collecting Donations for NGOs No. 270 of 1957 | Regulates local donations to NGOs in Jordan. |
| 10. Amended Instructions for Trust Funds Management for NGOs of 2012 | Pertains to trust funds management for NGOs in marginalized areas. |
| 11. Instructions to Harmonize the Positions of NGOs of 2010 | Aims to control NGOs due to the increasing number of organizations. |
| 12. Jordan Response Plan 2018–2020 for the Syrian Crisis (Refugees) | Focuses on the response plan for the Syrian crisis, particularly related to refugee funds. |

transcription and reading the interview data, we generated initial descriptive coding by setting simple phrases to see what we have in the interviews. Examples of these codes are the registration process, the complexity of processes, legal conditions, legal requirements, our rights, our responsibility, subjectivity, governmental supervision, laws, regulations, instructions, control, weak, strong, recommend and suggest. After that, we grouped the most related meanings into the following main themes:

1. Describe and criticize the status quo of NGO laws and regulations from (A) The conditions and requirements for NGO registration. (B) NGO sector responsibilities from a legal lens. (C) Governmental control and supervision of the NGO sector. (D) The relevant NGO laws, regulations, and instructions.
2. Recommendations for improving the status of NGO laws and regulations.

In the second phase (Directed content analysis), we highlighted some articles in NGO laws and regulations, which were mainly highlighted in phase one and referred by NGO board members. The aim of that is to support the interview data analysis. It has a holistic picture of the current status quo and possible recommendations and implications to update and improve the current NGO laws and regulations in Jordan. [Table \(2\)](#) presents examples from the interviews' thematic analysis and directed content analysis process, which will be discussed deeply in the findings section.

5. Findings

One of the main functions of the NGO sector is to criticize the status quo in different aspects of society and seeks a better situation. This empirical research criticizes the status quo of NGO laws and regulations in one of the developing countries which faced multiple challenges in the last decade (Arab Spring) and looks for enhancing them to have a better legislative environment for this vital sector which enhances its governance and accountability. We will enlighten the findings (main themes) from both interviews and document content analysis as one story. Therefore, all describing and criticizing the status quo and giving some recommendations for NGO laws and regulations in Jordan will be presented together.

In general, there was a law called the Law of NGOs and social bodies No. 33 for the year 1966 in Jordan to control NGOs in the Kingdom. This law was canceled in 2008 after issuing new NGO law called The NGO Law No. 51 of 2008 and Its amendments. Moreover, this law has many further instructions and amendments enacted after the Arab Spring. Jordanian [Companies Control Department \(CCD\) \(2010\)](#) describes the new NGO law number (51) as:

“Modern legal system for Nonprofit and social associations organizations contains legal rules after studying and comparing laws and regulations for the same sector in different developed countries and societies and the main aim of this legal system is to distinguish between the people who want to work in voluntary and charity operations which service community and the people who want to use nonprofit organizations as an umbrella to cover illegal operation and plan to make Jordan unstable country.”

In addition, Companies Law No. 22 of 1997 and its amendments play a role in governing NGOs in Jordan as the umbrella of NGO law No. Law of 2008. Concerning these laws, there are many sub-laws and instructions published during the years 2010–2016 (the years of and after the Arab Spring) to follow up the NGOs' position during and after the Arab Spring consequences (See [Table 1](#)). One of the NGO board members describes NGO law No. 51 and Companies law No. 77 about their work as:

Table 2
Examples of the interviews' thematic analysis and directed content analysis process.

| Quotation from the data | Initial code/s | Main Interview Theme | Directed content analysis supporting example |
|---|----------------------------|---|---|
| "Official registration process for NGO is very complex and needs too much time." | Registration, complexity | Status quo-legal registration | Articles 7-B and 11-A from NGO law No. 51 of 2008. |
| "We should work in a more relaxed legal environment. We still, even after the Arab Spring, face challenges in that." | Recommendations | Recommendation for improving NGO laws | - |
| "We have to submit yearly financial and managerial reports to the government which show our operations in detail and our financial position." | NGO legal responsibilities | Status quo-NGO responsibilities from a legal lens | Article 14-A & B from NGO law No. 51 of 2008. |
| "We are controlled by the government; international funds must be approved before it deposited to our bank account." | Controlling | Status quo-Governmental supervision of the NGO sector | NGO Law No. 51 of 2008 article 3-B-2. |
| "There are several laws and regulations we must follow, for example, the law of 2008, which sets very detailed instructions to control our work." | Law title | Status quo-Relevant laws and regulations | NGO law No. 51 of 2008 and its amendments and instructions. |

“The aim of these laws is not clear cut, sometimes the government uses them as a tool for tightness or as a tool for relaxation our operation whenever it wants. The NGO laws need review to be clearer.” (*BOD1*)

5.1. Conditions and requirements for NOG official registration

The NGO registration process in Jordan is complex and must go through multiple steps and formal approvals. In addition, the specialist committee which provides the approval for the application can reject it without any proper justifications. One of the board members criticizes this and demands a more relaxed process:

“As NGO, we must submit many documents and paperwork to the Ministry of Social Development in the registration process, it is very complex and takes time to reach final approval. It takes more than two months. Moreover, the responsible committee can reject our

registration application without presenting any justifications, so we go to the court.” (BOD2)

The NGO Law No. 51 of 2008 requires in its article 7-B thirteen different documents with lots of information to be submitted in the registration application. For Example, the mission, the founders’ names, their progress, the geographic distribution of the NGO activities, the list of funders and donors, the financial and managerial process, the NGO office location, list of potential tasks. Moreover, article 11-A gives the government 60 days to process the application before the decision, which is considered a long period according to the NGO board members as they consider some social situations that need immediate action, such as the Syrian refugee crisis. One of them says this:

“We need to be active NGOs quickly to respond to Arab Spring consequences such as the flow of Syrian refugees.” (BOD8)

International NGOs can open branches in Jordan, but they need to go through the same registration process with more restrictions and conditions, which are determined by the Jordanian prime minister’s office according to article 11-D from NGO law No. 51 of 2008. This takes a long period and is subjective to the prime minister’s opinion without any objectivity standards, even with the need for international NGOs, especially after the Arab Spring. This point is also criticized by one of the board members as he says:

“Establishing an international NGO in Jordan is more complex than building Khalifah tower in Dubai {to describe the complexity} ... It requires prime minister approval. I do not know why this high level of approval.” (BOD6)

All board members highlighted the complexity of registering new NGOs in Jordan and required amending the law to have a more relaxed registration process for national and international NGOs.

5.2. NGO sector responsibilities from legal lens

The first responsibility of NGOs is that all NGOs in Jordan must keep annual financial and managerial reports and must submit them to the Ministry of Social Development. Financial report for any NGO that has a capital of more than JOD 2000 must be audited by an audit firm before submission, which shows the primary source of its funds, expenditures, assets, and liabilities; Managerial report must show all board members’ minutes of meetings and all activities performed during the period (NGO law No. 51 of 2008) articles 14-A and B. Board members support this point and consider it a good point except, they criticize their responsibility to submit a list of all activities in the managerial report as they consider it a governmental intervention in their jobs. If any NGO performs any activity that does not meet the governmental direction, it will be directly blocked and liquidated. Therefore, NGO board members push to relax this condition. One of them says:

“We are living in changing environment which requires interdisciplinary actions... For example, if I as an environmental NGO, do any activity with a youth NGO to cooperate to do something for the environment, the government considers this activity illegal and blocks our operation... This subjectivity is unacceptable and requires objective standards without the intervention of our activities.” (BOD10)

The personal subjectivity of government members without having objective standards to distinguish accepted from unaccepted NGO activities is highly criticized in the board members’ interviews.

Another responsibility required by law is the prohibition of working in any political activities, such as dealing with political parties. Most of the board members agree with this prohibition, as the political environment in Jordan is still immature enough for that. They argue that their role is to enhance social awareness of their rights and responsibilities. Consequently, the political parties will find a ready and

fresh environment to start their work. One of the board members says regarding this point:

“In NGO laws, we can’t work at all in any political activities. To be honest, I agree with this point... we should start from a step back which is working on human knowledge of the meaning of rights and responsibility.” (BOD8)

However, few board members consider this as a scope limitation of their mission in society. They criticize it as one of them says:

“It is not acceptable for the government to decide what to work and what not to work. It is our responsibility to organize and manage our sector (NGOs), not to limit our scope.” (BOD1)

Law no. 51 of 2008 article number A-1 prohibits the NGO sector from dealing or cooperating with political parties or setting any political agenda.

5.3. Governmental control and supervision in NGO sector

This section of the findings is the biggest one due to multiple types of governmental intervention and supervision -by law- on the NGO sector to control it in Jordan. The results highlight the reason behind that, which is the black hole between parliament and public needs in Jordan due to immature political life in the Kingdom. King Abdullah II and his son Crown Prince Hussein are forcing toward empowering civil society and political parties, which will be reflected in the parliament during the next few years. The election process will be -by law- based on the membership of a political party that has a clear agenda, not based on personal or tribal relationships. One of the board members describes NGO laws as follows:

“NGO laws are weak because of weak parliament... We must follow our king and his son’s discussion papers, which highlight our [NGOs sector] and political parties’ importance... I believe we need more time to achieve that, but we will achieve it.” (BOD4)

The first governmental control on the NGO sector, which is written explicitly in the laws and is extremely criticized by board members, is the governmental right to send their representatives to attend NGO minutes of meetings. Board members consider this a flagrant violation of the privacy of NGOs. Article 14-B-2 of NGO law No. 51 of 2008 explicitly mentioned this governmental right. One of the board members criticizes this:

“It is unacceptable at all to have one of the governmental representatives in our meetings... Why they attend, what is the value of that... They intentionally control us.” (BOD14)

The second control on NGOs is the prohibition to receive any international funds or donations before having official approval from the prime minister, which needs a long time to process. Board members consider this as a limitation of their operation as the international funds usually are higher than national funds in total. Moreover, they contemplate this limitation as a combined issue besides controlling their activities. One of them criticizes it:

“The government not only supervises our activities, but it also supervises our source of funds, especially if it is from USAID or EU [European Union] or any international body.” (BOD6)

The above limitation also applies to International NGOs which operate inside Jordan. Moreover, this type of NGO is prohibited from collecting funds or donations from national (Jordanian) sources of funds. Law No. 51 of 2008 requires that in articles 17-A and 17-C.

The third control on NGOs is the restriction of NGOs’ operation inside specific geographic distribution in Jordan as it requires by law from each NGO to determine the geographic boundaries of its operation. Therefore, any NGO operation outside its specified borderline is considered illegal and subject to severe legal issues. Law No. 51 of 2008

article 3-B-2 explicitly requires this. Board members again contemplate this as a scope limitation of their work and demand to relax this condition to cover all of Jordan's area in all its cities. One of them says regarding this point:

“I just need a strong justification of why the government by law requires us to determine our area of work... I can work in any area which needs us. Why this limitation?” (BOD7)

The fourth and last control and supervision of NGOs highlighted in the data analysis are connecting NGOs with various ministries and governmental offices for approvals and doing some processes. There is an instruction which is related to NGO law No. 51 of 2008 called: Instructions for the Competent (specialist) Ministry No. 147 of 2011 (See [Table \(1\)](#)) which links each NGO with the specialized ministry of its field. These instructions were issued after the spark of the Arab Spring, which led to the creation of hundreds of new NGOs in Jordan, which requires a higher level of controlling and supervising this sector. Board members did not criticize it for its logic. They criticize the lack of clarity of tasks entrusted to each specialized ministry and the multiplicity of authorities that each NGO needs to review for its formal works and approvals. Therefore, to solve this issue, board members suggest establishing a new governmental committee or institution with representatives from all ministries. One of the board members criticizes these instructions and presents a suggestion:

“The instruction for competent ministry is a very good thing, as each ministry is specialized in a specific field. However, I suggest the foundation of one governmental institution to link us [NGOs] with the government. The specified role of each ministry is not clear in the instructions.” (BOD10)

5.4. The relevant NGO laws, regulations, and instructions

As discussed, NGO law No. 51 of 2008 replaces the old law of NGOs and Social Bodies No. 33 of 1966. This new law has many amendments, changes, sub-laws, instructions, and systems done through the period 2010–2016, which are the main years of the Arab Spring and its consequences.

The first instruction is the NGOs' Support Fund Instructions of 2011, which is a sub-instruction for the main law No. 51 of 2008. These instructions allocate some of the Jordanian government to support the NGO sector in Jordan. Some NGO board members considered it a good start for government to realize the benefits of NGOs. Other board members considered it an intervention in the sector which threatened its independence. One of the board members describes those two perspectives by

“If you give me [NGO] money, you will be able to influence my actions and visions, and if not, I am independent. This is exactly the meaning of the support fund instructions. However, the government now looks to our sector, so it understands our benefits.” (BOD15)

The second instruction is the Statute Instructions of NGOs No. 57 of 2010, which is related to the main NGO law No. 51 of 2008. These instructions help new NGO trustees with the dramatic increase in NGO numbers in Jordan in setting up their internal system and statute, which must be submitted to the government in the phase of NGO establishment. It represents the guide for new NGOs from a legal lens, as several annual board meetings, trustees' responsibilities, and NGO financial system. Most of the board members mentioned its benefit. One of them says:

“... also, we have the statute instructions which help us to build our internal control system and match our policies with legal requirements. It is very useful.” (BOD12)

The third sub-system to the main NGO law No. 51 of 2010 is the Union system no. 67 of 2010 (CCD, 2010). This system helps NGOs to

integrate and merge. The Jordanian government has started feeling the massive increase in new NGOs in the country. Therefore, it encourages the NGOs which are working toward the same field and mission to integrate. This leads to a more powerful sector. All the NGO board members mentioned this system and its advantages as one of them said:

“One of the revolutions in our laws in Jordan is the NGO union system. Now many small NGOs which are weak can work together under one umbrella. We are still in the infant phase of this, even after around 10 years of the system. But we can use it more efficiently in the future.” (BOD14)

The fourth sub-process of the main law No. 51 of 2008 is the Process for Approval of Foreign Donations to NGOs in 2015. This process is heavily disparaged in the interviews. Board members considered it the main limitation for their operation and projects. According to this process, any NGO must have pre-approval from the government for any foreign donation, even if it is from a foreign government or a famous international body such as United Nations. One of the board members argues:

“I just need justification for the required approval from the government if I need to receive funds or donations for international bodies. We are not entering money into our country for terrorism. We are building our country.” (BOD1)

The fifth law to be explained here is the Company Law No. 22 of 1997 and its System for Nonprofit Orgs No. 73 of 2010. They have regulated the disclosure and reporting requirements for the NGO sector in Jordan. They require NGOs to submit annual financial and managerial reports. Financial reports represent all sources and use of NGO funds and donations. Managerial reports represent all NGO activities during the year and list all board members' names and their responsibilities. These laws are subject to criticism by NGO board members as they necessitate too much information to be disclosed, which highly requires skilled employees. One of the boards argues:

“By law, we are required to do periodical reports with huge of information. We are not a listed company on Amman Stock Exchange to do that. Some NGOs are very small with few numbers of staff but have large events and funds each period. It is difficult to do that.” (BOD17)

The sixth system to be discussed here is the System for Collecting Donations for NGOs No. 270 of 1957. This system is ancient as it asks NGOs to collect donations in closed boxes distributed in the country. Five of the board members listed this system in their interviews and criticized its existence until now. One of them describes it by:

“We are in the 21st century, now banking systems in the world have a sophisticated money transfer technique. This system is out of our time.” (BOD19)

The seventh instructions are the Instructions for Trust Funds Management for NGOs of 2012. These instructions help society in Jordan establish NGOs out of the main cities in the country. The instructions give people out of the main cities up to JOD15,000 (approximately \$21,000) to build NGOs around the country, which leads to highlighting the concept of civil society in different areas in Jordan. These instructions are evidence that NGOs and their significance in Jordan are still in the developing phase. One of the board members lists and describes it by:

“The majority of NGOs in Jordan are in Amman [capital city] and the other two main cities, Irbid and Zarqa. Other cities in Jordan are still in the infant phase in realizing the NGO concept, so the trust fund for NGOs helps to develop that.” (BOD18)

The final plan highlighted in the data analysis is the Jordan Response Plan 2018–2020 for the Syrian Crisis (Refugees). Its total budget is around 7 billion dollars. The leading players in implementing it are the

Jordanian government and national and international NGOs in Jordan to manage the situation of more than 1.5 million Syrian refugees in Jordan. Therefore, huge NGO projects performed, are conducted and will be performed in the future to respond to the Syrian refugee crisis. One of the NGO board members argues regarding this plan:

“Government can’t work solely with 1.5 million refugees. NGOs have an integral part in that. The plan is not just for the basic needs of refugees, such as food, water, and hygiene. We also work on the development of refugee society and how to integrate it into Jordanian society.” (BOD13)

The subsequent section is the discussion that puts the above findings within the existing body of the literature.

6. Discussion

In the last ten years, the Jordanian authorities have made considerable efforts to promote non-governmental organizations (NGOs) to have a more significant impact on the social structure of their country. This change in strategy commenced following the Arab Spring uprising in 2010 and denoted a crucial period in the development of NGO-government interactions in Jordan. The government implemented legal measures intended to regulate the activities of NGOs operating within its borders to aid this transition. Nevertheless, numerous stakeholders, including board members of NGOs, have criticized and demanded reform of the legal framework that governs NGOs in Jordan.

One crucial element of this legal system relates to the compulsory registration necessities for novel NGOs. The Jordanian legislation provides extensive power to the government, especially the Ministry of Social Development, to supervise the process of registering NGOs (Marei, 2023, 2024; Elbayar, 2005). It is important to note that completing the registration process can be exceedingly difficult and furthermore, according to the law, applications from NGOs may be refused by the government without explanation. As a result, there is a pressing need within the NGO community for a more simplified registration process that adheres to objective and well-defined criteria.

NGOs in Jordan bear legal obligations that entail the submission of comprehensive financial and managerial reports to the government every year, enumerating all their administrative activities while strictly refraining from any political engagement (Almaiah et al., 2022). The current extent of these requirements has elicited concerns among NGOs, who are urging for more flexibility in defining the parameters of their work.

The oversight and regulation of non-governmental organizations (NGOs) by the government is a notable feature of Jordanian law. The government has the power to be involved in the internal governance of NGOs, although there is a clause that grants some level of autonomy within the limits of the primary legislation. Moreover, NGOs are not allowed to receive funds from abroad without prior authorization from the government, and their range of operations is constrained by geographical restrictions imposed by law. Numerous NGOs have voiced their desire to lessen official intervention and broaden their scope of activities.

The regulatory framework governing non-governmental organizations (NGOs) in Jordan has undergone significant changes since 2010. The events of the Arab Spring prompted the Jordanian government to ease some of its strict laws and extend greater autonomy to the NGO sector. Following this, new instructions and regulations have been introduced with a view to fostering fresh NGOs, encouraging the growth of NGO culture in regions outside of major cities, and instituting internal oversight mechanisms and ethical standards. These modifications have additionally enabled NGO consolidation and amalgamation based on shared objectives, enhancing their collective strength within the sector.

The alterations in the bond between NGOs and the government in Jordan, exemplified by amplified autonomy and eased regulations, indicate that the government has begun to comprehend the significance

of the NGO sector and its function in propelling social development. The existence of Syrian refugees has additionally accentuated the necessity for collaboration and coordination between NGOs and the government, shifting away from an emphasis on independence (Coston, 1998). As the NGO industry progresses further, there is a need for constant assessment and revision of laws and regulations to expand opportunities for NGO endeavors within Jordanian society.

The alterations in the relationship between non-governmental organizations (NGOs) and the government have bestowed upon NGOs more authority to interact with the government, specifically when advocating for the advantages of external funding and contributions. Consequently, there has been an enhancement in the governance system within the NGO sector, resulting in augmented transparency and responsibility. Fundamentally, Jordan’s shifting situation of NGO-government relations displays a vibrant and developing association that possesses the potential for greater communal influence and growth in forthcoming years.

7. Conclusion, implication and limitation

This study highlights the criticisms of existing NGO laws and regulations in Jordan. It tries to understand the current typology of the NGO-government relationship, criticizes it, and presents a better typology that has benefits, and different stakeholders, in Jordanian society. The status quo of the NGO-government relationship is that the Jordanian government is still controlling and intervening in the NGO sector. NGOs and society in Jordan press for more level of freedom and realization of the NGO importance. Consequently, setting some laws, regulations, instructions, and systems is needed to change the typology of the NGO-government relationship toward more direction and complementarity relationship, which positively affects NGO governance. Moreover, the study reveals that the NGO sector and government in Jordan started working together on big projects due to the presence of Syrian refugees and started working on national projects (but in the infant phase) for more social progress. Table (3) summarizes the change in the NGO-government relationship.

7.1. Theoretical implication

Theoretically, different perspectives were offered to evaluate NGOs. a comprehensive theoretical understanding of NGOs. By Critical Lens for Laws and Regulations, which makes up a sizeable organizational element, this study adds to the body of knowledge currently in existence (Almaiah et al., 2022; Lutfi et al., 2022; Lutfi et al., 2023). Future research in this area could look at how NGOs could assist quality-oriented approaches to improve user satisfaction. A theoretical scenario was depicted where changes in satisfy users’ perspectives led to intriguing discussions on which NGOs assessments are actually valued by user in particular environments. The essentiality of NGOs success was also indicated compared to net benefits as the final dependent variable. Notably, NGOs success emphasizes attitudinal and behavioral development as opposed to the net benefits on functional.

Table 3
Summary of NGO-government relationship in Jordan before and after the Arab Spring.

| NGO-government relationship before 2010 | NGO-government relationship after 2010 |
|--|--|
| Not accepting each other | Accepting each other |
| No or very few collaborated projects | More collaborated projects |
| Tough laws and regulations | More relaxed laws and regulation |
| No or weak communications | Better communication style |
| Competition and autonomy relationship | Complementarity and direction relationship |
| Projects on a very small geographic distribution | National and big projects |

7.2. Practical implication

This study suggests important practical objectives NGOs. The present study incorporated the Critical Lens for Laws and Regulations, considering the paucity of research on the effects of NGOs. The role of the voluntary social work becomes central, in complementing the government's role and not competing with it. Since NGOs are closer to the grass roots levels, they can respond better than government to the needs of the poor, needy, marginalized and most disadvantages. However, the existence of active NGOs in rural areas contributed to reducing the rural-urban migration (Global Development Forum, 2000). In Jordan, NGOs played a very solid and structured movement to support the government in its developmental efforts targeting the disadvantaged population. Definitely, some NGOs succeeded to substitute for government. In the rural areas, pre-school sector, 90% of the kindergartens are NGOs operating. In addition, it is the same for services that targeting the aged, disability, mentally sick, and the impoverished and marginalized. The welfare Law No. 33 of 1966 identified the relationship between NGOs and the government. In theory, Ministry of Social Development has the legal right to oversee the activities of the NGO such as visiting, reviewing its performance in relation to its goals or to review its financial status against its expenditure. Moreover, every NGO has to submit an annual report to the minister, which includes financial statement and balance sheet.

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Ethical statement

All methods were carried out in accordance with relevant guidelines and regulations—Declaration of Helsinki. Written informed consent was obtained from all participants. A statement was written to inform the participants that their responses will be treated confidentially. They were also informed that participation was voluntary.

CRediT authorship contribution statement

Abdalwali lutfi: Funding acquisition, Project administration, Validation, Writing – review & editing. **Omar Mowafi:** Conceptualization, Data curation, Formal analysis, Writing – original draft. **Melina Al-Hasan:** Conceptualization, Data curation, Formal analysis, Methodology, Writing – original draft. **Batoul Abdeldayem:** Methodology, Resources, Writing – original draft. **Abdullah Eskandarany:** Investigation, Software, Writing – original draft. **ahmad Farhan Alshira'h:** Investigation, Supervision, Validation, Writing – review & editing.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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