

The Penal Provisions Governing Maternal Infanticide Due to Postpartum Depression under Jordanian Laws

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Abstract:

This research addresses the mitigation of penalties for a mother who kills her infant due to postpartum or breastfeeding-related psychological conditions. It examines this specific type of mitigation, which the Jordanian legislator has exclusively granted to mothers. The study involves a review and analysis of the legal provisions outlined in the Jordanian Penal Code, as well as an exploration of the conditions required for applying mitigating circumstances. It also seeks to clarify the ambiguities and confusion surrounding these provisions, which reflect the challenges of applying such mitigations. The study concludes with several findings and recommendations aimed at addressing the distortions within the legal text. Among these recommendations is the elimination of the requirement for premeditated murder to benefit from the mitigating circumstances, advocating instead for the recognition of intentional killing. This approach avoids the necessity of deliberation and premeditation, which are inconsistent with the psychological state of a mother during childbirth or the postpartum breastfeeding period.