



LEGAL DETERMINANTS OF REGISTRATION OF MICRO AND SMALL ENTERPRISES UNDER JORDANIAN LAW IN LINE WITH RECOMMENDATIONS OF THE UNITED NATIONS COMMISSION (UNCITRAL) ON LIMITED LIABILITY ENTERPRISES

DETERMINANTES LEGAIS DO REGISTRO DE MICRO E PEQUENAS EMPRESAS SOB A LEI JORDANIANA, DE ACORDO COM AS RECOMENDAÇÕES DA COMISSÃO DAS NAÇÕES UNIDAS (UNCITRAL) SOBRE EMPRESAS DE RESPONSABILIDADE LIMITADA

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ABSTRACT

Objective: To analyze the legal determinants of registering micro and small enterprises (MSEs) in Jordan and assess the alignment of national legislation with UNCITRAL's recommendations on limited liability enterprises.

Method: This study adopts a qualitative and legal-comparative approach, based on the review of Jordanian commercial and company laws, as well as UNCITRAL legislative guides. It involves a normative legal analysis to identify gaps, barriers, and possibilities for harmonizing local legal structures with international standards.

Results: The study found that Jordan's current legal system imposes considerable constraints on MSE registration, particularly due to the inflexibility of the Commercial Register and the structure of limited liability companies. As a result, most enterprises operate informally. Among available legal frameworks, the LLC model aligns best with UNCITRAL's guidance but still lacks full procedural simplicity and partner protection. Key legal instruments are outdated and require reform.

Conclusion: Substantial legal reforms are needed in Jordan to facilitate accessible and efficient registration processes for MSEs. Revisions to the Companies Law and Commercial Register System are recommended, including the development of guidance manuals and legal reliefs during early business stages. Adapting UNCITRAL's framework would foster formalization and support entrepreneurship.

Keywords: Micro and small enterprises, entrepreneurship, Uncitral legislative guide, limited liability enterprises.





RESUMO

Objective: Analisar os determinantes jurídicos para o registro de micro e pequenas empresas (MPEs) na Jordânia e avaliar a conformidade da legislação nacional com as recomendações da UNCITRAL sobre empresas de responsabilidade limitada.

Method: Este estudo adota uma abordagem qualitativa e jurídico-comparativa, baseada na revisão das leis comerciais e societárias jordanianas, bem como dos guias legislativos da UNCITRAL. Envolve uma análise jurídica normativa para identificar lacunas, barreiras e possibilidades de harmonização das estruturas legais locais com padrões internacionais.

Results: O estudo constatou que o sistema jurídico atual da Jordânia impõe restrições significativas ao registro de MPEs, especialmente devido à rigidez do Registro Comercial e à estrutura das sociedades de responsabilidade limitada. Como resultado, a maioria das empresas opera informalmente. Entre os modelos legais disponíveis, a sociedade de responsabilidade limitada (LLC) é a que mais se aproxima das orientações da UNCITRAL, embora ainda careça de plena simplicidade procedimental e proteção aos sócios. Importantes instrumentos legais estão desatualizados e necessitam de reforma.

Conclusion: Reformas jurídicas substanciais são necessárias na Jordânia para facilitar processos de registro acessíveis e eficientes para MPEs. Recomenda-se revisar a Lei das Empresas e o Sistema de Registro Comercial, incluindo a elaboração de manuais de orientação e medidas de alívio jurídico nas etapas iniciais dos negócios. A adaptação do framework da UNCITRAL impulsionaria a formalização e apoiaria o empreendedorismo.

Palavras-chave: Micro e pequenas empresas, empreendedorismo, guia legislativo da Uncitral, empresas de Responsabilidade Limitada.



1. INTRODUCTION

The lack of a comprehensive and clear legal framework for any economic enterprise is one of the main obstacles to its development in general. Since the vast majority of entrepreneurial and innovative projects are economically driven and initially take the form of micro or small enterprises, these enterprises have become an important pillar of national economies. They also provide solutions to help address issues like unemployment and other economic and social challenges facing countries. To support these enterprises, the United Nations Commission on International Trade Law (UNCITRAL) issued a legislative guide on limited liability enterprises in 2022, UNCITRAL (2012), UNCITRAL (2021), UNCITRAL (2015), UNCITRAL (2014). Preceded by a model law project on simplified business entities in 2015, and another legislative guide related to the essential principles of the commercial registry UNCITRAL (2019). These initiatives aimed to assist countries in reducing the legal obstacles facing micro, small, and medium-sized enterprises. Each guide includes a set of recommendations covering various aspects that together form an integrated legal framework for these enterprises.

However, despite the widespread presence of these enterprises in many countries, including Jordan (practical guide, Central Bank of Jordan), projects classified as micro or small enterprises still face many challenges that hinder their establishment and sustainability. Among the most significant challenges are the legal frameworks for registering these enterprises. Choosing the appropriate legal structure is fundamental for their operation, as it determines various obligations and relationships for these enterprises whether among partners.

With third parties, or in the management of the business itself. In light of the current legislative framework under Jordanian law, despite the existence of various laws regulating commercial activities, many do not suit the legal structure of these enterprises. Consequently, owners and managers of such enterprises are often inclined to operate informally and avoid registration to steer clear of potential legal challenges that might arise in their work.

The issue this study addresses revolves around answering a central question: Does the current legislative environment in Jordan adequately provide a legal framework for micro and small enterprises, specifically regarding the critical matter of registration



under a particular legal form available in the country so that they can begin their operations? Additionally, to what extent can the international recommendations issued by the United Nations Commission on International Trade Law (UNCITRAL) regarding the registration of micro and small enterprises be applied within this legal framework? If the owners wish to register under any legal framework within the existing Jordanian laws, their options are currently limited to either the Commercial Registry System No. (130) of 1966 or one of the forms of companies available under the Jordanian Companies Law No (22) of 1997 and its amendments. Thus, can these legal frameworks accommodate the unique nature of micro and small enterprises? Or does the legislative landscape in Jordan require amendments to align with UNCITRAL's recommendations? This study will address these questions by examining the following:

First: Economic and Legal Standards for Registering Micro and Small Enterprises in Jordan and International Trends:

The economic standards for defining the scope of micro and small enterprises vary from one country to another, and there are almost no universal standards for this due to differences in national economies. However, some common international standards have emerged, primarily based on the number of employees in these enterprises, their capital, and other criteria like productivity, means of production, and equipment, these enterprises now constitute a significant portion of national economies.

While in Jordan, according to statistics from the Central Bank of Jordan (Guide to Small and Medium Enterprises, Central Bank of Jordan), micro (very small) enterprises are defined as informal, with total assets or sales below 100,000 Jordanian dinars, typically operated from home, with the owner often being the sole employee. While some of these projects are formal, their operations are minimal. Small enterprises, on the other hand, employ between 5 and 20 workers, with total assets or sales under one million Jordanian dinars annually (Guide to Small and Medium Enterprises, Central Bank of Jordan). Micro and small enterprises are classified into three sectors: industry, trade, and services, each varying in employee numbers and annual revenue.

When compared to other entities in the national economy, these enterprises primarily focus on providing specialized services or limited goods, usually on a smaller scale than medium and large enterprises in Jordan. They are often associated with entrepreneurship and innovation and face competition within the country, typically from other enterprises in the same field. Given the nature of the products and services they





offer, these enterprises strive to reach as many consumers as possible through available advertising channels, particularly social media. However, due to limited resources, they usually rely on a restricted number of consumers within a specific geographical area and rarely serve the entire country or go beyond its borders. In terms of ownership and management, they are typically owned and managed individually by their owners.

Because these enterprises rarely conduct feasibility studies like medium and large enterprises, they often face significant losses within a few years, leading to closures (Alhassawi, 2025; Alhasan, 2025; Al-Dabbas et al., 2025).

2. ONE OF THE MAIN OBSTACLES FOR THESE ENTERPRISES IS THEIR INABILITY

These facilities were also defined within a Memorandum of Understanding for cooperation in the field of medium, small, and micro-enterprises between Jordan and Egypt in 2017, published in the Official Gazette No. 5484 on 2017/10/16 on page 6200, as Article (4) specifies the targeted groups of the Memorandum of Understanding as follows: institutions working in the development of medium, small, and micro-enterprises, -owners of new and existing projects for their support-, young graduates of both genders who wish to establish new projects within the formal framework. Professionals and craftsmen who need to develop their businesses to keep pace with the modern era within the formal framework, individuals with creative and innovative abilities-women.

Secure the necessary financing for start-up or expansion, as well as the lack of incentives from the government due to the absence of legal registration and documentation for most of them.

As for the legal scope of small and micro enterprises in Jordan, to clarify this, it is necessary to refer to the Jordanian Commercial Law No. 12 of 1966. Article (6) of the law lists the commercial activities, most of which fall under the operations of small and micro enterprises, including those based on entrepreneurship and innovation.

(Jordanian Commercial Law No. 12 of 1966, Official Gazette No. 1910), Article (9) Defines traders as: (a) individuals whose profession is conducting commercial activities, and (b) companies whose purpose is commercial in nature. This also applies to anyone who owns a small or micro enterprise, in line with the activities mentioned in Article (6).

In Article (10) of this law, the Jordanian legislature exempts individuals engaged in small trade or simple crafts with low overhead costs, relying more on physical effort





than capital, from the obligations of traders. Examples given include street vendors and daily-wage sellers, indicating that this likely does not apply to small or micro enterprises. However, Article (11) considers that "anyone who publicly announces through newspapers, bulletins, or any other medium the establishment and operation of a business is considered a trader, even if they do not take commerce as a customary profession." Thus, the status of a trader, according to this article, can be confirmed by publicly advertising through any means, including traditional newspapers, bulletins, or electronic media, such as social media.

As for international recommendations, the UNCITRAL Legislative Guide on Limited Liability Enterprises explicitly states in the introduction (A/1) that the purpose of the guide is to acknowledge that small, micro, and medium-sized enterprises constitute the majority of commercial establishments worldwide. They are the backbone of many economies, contributing significantly to employment and GDP. Therefore, the international legislator has recognized the commercial nature of these enterprises, regardless of the specific activities they undertake.

Consequently, the economic and legal criteria for small and micro enterprises depend on the combination of production factors, capital of a certain amount, and organization to achieve a productive or service-oriented goal. The Jordanian legislator has excluded activities that rely solely on physical labor and aim to secure a daily livelihood, which does not apply to the small and micro enterprises discussed in this study. Despite the various legal forms that small and micro enterprises can take under Jordanian law, this study will explore the registration of these enterprises under Jordanian law within the scope of international guidelines in two forms;

First: registration under the Commercial Register system as a sole proprietorship and registration under the Companies Law as a limited liability company.

Second: Registration of Micro and Small Enterprises According to the Commercial Register System in Jordan and Alignment with UNCITRAL Recommendations on Basic Principles for the Commercial Register (UNCITRAL Legislative Guide).

The UNCITRAL Legislative Guide on Key Principles of the Commercial Register includes: one of its main objectives: to assist countries in amending their enterprise registration legislation, particularly for micro, small, and medium-sized enterprises, and in simplifying these procedures. The guide provides a general framework for the registry,



defining it as a system established by law to facilitate the operations of enterprises within the country in relation to other commercial entities and the public, whether at the establishment of these enterprises or throughout their lifecycle. It allows enterprises to fulfill their obligations under applicable domestic law and enables their participation in the national economy. (UNCITRAL Legislative Guide).

To achieve this goal and framework, UNCITRAL's recommendations within the guide suggest that countries setting up a commercial registry system should define the types of enterprises that must be registered. The international legislator views that for the commercial register to serve its purpose, a legal system must be established that is simple, clear, and encourages all enterprises, regardless of size or type, to register in the commercial registry, especially micro and small enterprises. This supports their operations within a legal framework, regardless of their economic activity, particularly in areas related to entrepreneurship and innovation (Recommendation No. 1 of the UNCITRAL Guide).

Recommendation No. 2 of the guide further states that one of the primary purposes of the register is to provide commercial enterprises with a recognized identity by the countries establishing a commercial registry system, as outlined in the guide. This implies that the registry system should include simplified legal procedures for registration that take into account the time and cost factors for enterprises wishing to register.

Regarding the regulation of the commercial register in the Jordanian legal system, (the Jordanian Commercial Law No 12 of 1966, in Article) (22) sets forth objectives for the commercial register, stating that it "enables the public to obtain comprehensive information about all merchants and commercial establishments in the Kingdom, and serves as a means of publication intended to make its contents binding on third parties, provided there is a legal provision to that effect. It also grants merchants and commercial establishments a period for completing registration transactions in the commercial register in accordance with the provisions of this law".

The Jordanian Commercial Register System No. (130) of 1966 which remains in effect to date defines the register in Article (2) as the "commercial register organized within the ministry or in the governorate center, district center, or any city where the minister decides to establish a commercial register for the purpose of recording information specific to merchants in accordance with the provisions of the law and the regulations issued thereunder." This register includes "all data related to the names of





merchants, their addresses, issued certificates, and any amendments to the registration, including the recording of any mortgage, seizure, transfer, or other legal actions that a merchant wishes to document in the register".

Furthermore, Article (5) of the Jordanian Commercial Register System mandates that every merchant must apply for registration in the system within two months of establishing or acquiring the business. Consequently, anyone engaged in commercial activities must register in the commercial register, as registration is the foundation for a merchant to practice commercial activity, thereby granting them merchant status (Article (24) of the Jordanian Commercial Law). Compliance with the registration fees imposed by the (Commercial Registration Fee System No. 70 of 2004 is also required).

Based on the above provisions, the purpose of registering a merchant in the commercial register is to publicize the individual engaged in commercial activities in the broad sense, thereby confirming their status as a merchant while simultaneously publicizing the commercial entity under which they operate (Article (22) of the Jordanian Commercial Law). This enables others to access comprehensive information about the merchant and their commercial establishment in Jordan.

The commercial register system is specifically designated for the registration of sole proprietorships, which grants the status of an individual enterprise (Bashayreh, 2009). It does not provide for the registration of other legal forms, such as companies, since companies are governed by a specific law: the Companies Law No. 22 of 1997 and its amendments. Companies are subject to registration in the Companies Register according to Article (25) of the Jordanian Commercial Law, which states that "companies are subject to the provisions of the law specific to their registration." Thus, registration in the Companies Register suffices as it serves as the regulatory authority for all companies in Jordan, and the Companies Law does not mandate their registration in the commercial register. This approach differs from UNCITRAL's recommendations in the Legislative Guide on the Commercial Register, which suggests specifying the types of commercial entities required to register in the commercial register (Batieha, 2023; Awaishah, 2025).

Based on the above, when micro and small enterprises register in the Jordanian commercial register, they are only registered as sole proprietorships, meaning they are owned by a single individual. It is not possible to register an enterprise owned by more than one person, which presents a significant obstacle for registering micro and small enterprises, most of which are typically founded by more than one person. This approach



contrasts with the recommendations in the UNCITRAL Legislative Guide on the key principles of the commercial register (Recommendation 4/a), which suggests that registration should be accessible the general public, as well as (Recommendation 20/b), which advocates allowing all enterprises to register, and (Recommendation 57), which recommends enabling flexible and simplified legal forms for ease of registration.

Additionally, this registration entails a series of legal obligations, the most important of which is the obligation for the enterprise to comply with the commercial laws and regulations in Jordan, including adherence to all applicable commercial requirements, such as maintaining business records according to legally specified standards, among other obligations (Jordanian Commercial Law No. 12 of 1966).

The UNCITRAL Legislative Guide also recommends easing these obligations to facilitate the registration of micro and small enterprises, leaving this as an option for countries. The guide focuses primarily on compliance with tax and social security laws, as outlined in (Recommendation 1 of the guide).

Thirdly: Registration of Micro and Small Enterprises in Jordan as Companies and Comparison with UNCITRAL Recommendations on Limited Liability Enterprises.

The Legislative Guide on Limited Liability Enterprises includes recommendations aimed at helping countries establish a simplified legal framework for micro, small, and medium enterprises (MSMEs) that supports their success and continuity. This framework also facilitates the involvement of a diverse range of individuals, regardless of their background or education level, by minimizing legal burdens on them in line with their limited resources, the small number of employees, and their modest capital, products, and services.

Accordingly, one of the guide's key recommendations for the registration of these enterprises emphasizes simplifying registration procedures. Most of the company forms under the Jordanian Companies Law No. 22 of 1997 and its amendments mentioned earlier are categorized into three types: partnerships (general partnerships, simple limited partnerships, and silent partnerships). These forms rely primarily on the partner's individual role in the company from its formation to its management. Although these types of partnerships are closest to UNCITRAL's recommendations, they conflict with its most important recommendation, Recommendation (4), which calls for shielding partners from personal liability for the enterprise's obligations.



3. RESULT

However, in these types of companies, under Jordanian law, partners are personally liable for the company's debts and obligations with their own assets.

The second type of these companies includes public shareholding companies and private shareholding companies, which rely on the contributions of a large number of shareholders to their capital and are typically intended for large-scale projects. These are generally not suitable for micro, small, or even medium enterprises according to the relevant criteria, as previously discussed in Section One of this study.

The third type includes companies of a hybrid nature, such as limited liability companies and partnerships limited by shares. Given that partnerships limited by shares have a legal structure that is challenging to apply practically for the enterprises under study, the limited liability company (LLC) is the most suitable option among these forms, according to UNCITRAL recommendations. Under the Jordanian Companies Law, this type of company combines features of both partnerships and corporations. Its formation and management are based on the personal involvement of the partners, and it allows for a minimum capital requirement, with the law permitting a capital of just one Jordanian dinar. Additionally, the partners' liability is limited (Article 2 of the Jordanian Limited Liability Company Capital Determination Regulation No. (17) of 2011, published in Official Gazette No. 2113 on 29/3/2011).

An LLC consists of two or more persons, and its assets are separate from the personal assets of each partner. The company is responsible for its debts and obligations solely with its own assets, and a partner is only liable for these debts and losses to the extent of their shares in the company's capital (the Jordanian Companies Law No. 22 of 1997). The Jordanian legislator has actively introduced ongoing amendments to LLCs, such as reducing the minimum capital requirement and allowing the establishment and operation of LLCs by a single person, in line with international trends for this type of company (The Companies Law of ,1997).

In terms of formation, the LLC is based on the unilateral will and substantive conditions required by the Jordanian Civil Code to validate actions made by a single will. For operational purposes, however, it is governed by the legal framework applicable to limited liability companies. In terms of formation, the LLC is based on the unilateral will and substantive conditions required by the Jordanian Civil Code to validate actions made by a single will. For operational purposes, however, it is governed by the legal framework





applicable to limited liability companies. (Batoush, 2006; Awaisheh et al., 2024).

Based on the legal principles of the limited liability company (LLC) in Jordanian law, its legal framework provides a viable option for registering micro and small enterprises under the formal economy of the state, in accordance with UNCITRAL's recommendations on limited liability enterprises. Key aspects of this framework include the ability to establish an LLC with a single individual, as outlined in Article (53/b) of the Jordanian Companies Law, which aligns with Recommendation (7/a) of the UNCITRAL guide.

Additionally, the liability of a partner, whether acting alone or with others, is limited to their share in the company's capital, as stated in Article (53/a) of the Jordanian Companies Law, without personal liability for the company's debts. This is consistent with Recommendation (5) of the UNCITRAL guide, which advocates for the small capital requirements for these companies.

Furthermore, this model allows micro and small enterprises to operate with a single partner who manages the company independently, without having to follow the formalities required by the Jordanian Companies Law concerning company management and decision-making processes. This flexibility and speed in decision-making align with the goals of the UNCITRAL recommendations, particularly Recommendation (7/a of the guide).

At the same time, it allows the owners of these establishments, in the case of their establishment by a single person and then the gradual development of their business and activities in the future, flexibility to transition from a sole proprietorship to a collective form. This transition is made possible by allowing the opportunity for another partner or partners to join, as stated in Recommendation 27/A of the UNCITRAL Guide, and facilitates decision-making among them, which aligns with Recommendation 11 of the guide.

Additionally, it allows for the management of the company in the case of multiple partners, in accordance with Recommendation 14 of the guide. It also gives the owners the ability to increase the company's capital with simple and smooth procedures, without changing the company's form.

Thus, it becomes clear that this type of company form under Jordanian law, specifically limited liability companies within the scope of small and micro enterprises, contributes to the ease of their formation and the continuity of their operations within the





state's economy, under a legal framework that ensures protection for the company, its partners, and those it deals with. This ensures the preservation of these projects as economic entities and promotes entrepreneurship.

As for other recommendations from UNCITRAL, included in the guide, many of them focus on ensuring the specificity of these enterprises, providing them with additional guarantees, especially for the partners. However, in order to implement these other recommendations, a comprehensive legislative amendment would be required, including the establishment of standalone provisions, independent of the corporate law provisions. These provisions would offer guarantees in line with the international recommendations issued by the UNCITRAL Committee and the global business trends, while also considering the legislative environment's specificity in Jordan.

4. CONCLUSION

After conducting this study, a number of results and recommendations were concluded, as follows:

Small and Micro Enterprises in Jordan: Despite being an important contributor to the national economy, similar to other countries, small and micro enterprises in Jordan lack specific legislation directly regulating them. Instead, they are categorized based on economic criteria such as capital and the number of employees.

Economic vs. Legal Criteria: Although the economic criteria differ from the legal framework for small and micro enterprises, the legal scope is built upon these criteria, and the two cannot be separated.

Commerce Law No. 12 of 1966: This law established the foundations for commercial work, which can help define the legal framework for small and micro enterprises and exclude those that do not meet these criteria, such as businesses primarily relying on physical labor or involving small amounts of money.

UNCITRAL Criteria: The UNCITRAL Committee defines small and micro enterprises as those engaged in commercial activities, excluding non-commercial businesses from this category.

Commercial Register System: The Commercial Register System in Jordan (No. 130 of 1966) is one of the available legal frameworks under which small and micro enterprises can be registered in Jordan.

Discrepancies with UNCITRAL Recommendations: There are several differences





between the UNCITRAL recommendations in the Commercial Register Legislation Guide and the Jordanian Commercial Register system. One significant difference is that the guide does not connect registration with individual enterprises, which contrasts with the approach outlined in the Jordanian Commercial Register.

Limited Liability Company (LLC): The LLC system, regulated by the Companies Law No. 22 of 1997 and its amendments, is considered one of the most suitable types of companies for registering small and micro enterprises in Jordan.

Discrepancies between UNCITRAL and Jordanian LLC Provisions: While the UNCITRAL recommendations for limited liability companies align closely with the LLC provisions in Jordan, some aspects of Jordan's LLC regulations do not fully comply with UNCITRAL's recommendations regarding limited liability enterprises.

5. RECOMMENDATIONS

Develop a guiding manual for those in charge of micro and small enterprises to simplify the registration process within the available legal forms regulating the commercial environment in Jordan, such as the commercial register and the limited liability company.

To facilitate the registration of micro and small enterprises according to the available legal systems (and those proposed in this study), it is necessary to issue a regulation exempting them for a specific period, no less than three years, from certain requirements related to the registration of traditional business activities. These include requirements related to bookkeeping, registration in the sales tax system, and the social security system.

When establishing legislation to regulate the registration and operation of micro and small enterprises in Jordan based on UNCITRAL's recommendations, it should be noted that these recommendations present a comprehensive legislative framework for guiding these enterprises. However, many of these recommendations leave certain matters open to account for the unique legal environment of each country. Implementing all of them is not necessary, only the minimum required to address the specific needs of these enterprises.

When drafting legislation to regulate the registration and operation of micro and small enterprises in Jordan, based on UNCITRAL's recommendations, we hope that it





will also incorporate other legal texts that encourage the operation of these enterprises.

In drafting legislation to regulate the registration and operation of micro and small enterprises in Jordan, it is essential to ensure that its provisions are consistent with international agreements, whether collective or bilateral, as well as memorandums of understanding signed with other countries.

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