

# The New Court System in Saudi Arabia

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The Law of the Judiciary is administered by the Ministry of Justice in accordance with the directives of the government relating to the development of the judiciary. In 2007 H.H. King Abdullah issued royal decrees with the aim of reforming the legal system. Some of the changes foreshadowed by the reforms have already been implemented.

## The structure of the new court system

Once the reforms have been fully implemented, the court system will be organised hierarchically as expressed diagrammatically below.



### Notes:

- 1) Some Criminal matters are still being dealt with by the Board of Grievances.
- 2) The Commercial Courts have not yet been established. Until they are, the Board of Grievances will continue to exercise first instance jurisdiction over commercial matters.
- 3) The Labour Courts have not yet been established. Until they are, the Primary Commission for Settlement of Labour Disputes (of the Ministry of Labour) will continue to resolve employment disputes.

## The Supreme Court

The Supreme Court, in Riyadh, is the highest appellate court in Saudi Arabia. The jurisdiction of the Court is spelt out by Article 11 of the Law of Justice:

1. *Reviewing judgments and decisions issued or supported by the appellate courts such as death, amputation, stoning or punishment.*
2. *Review judgments and decisions issued or supported by the appellate courts and related to cases not mentioned in the previous provision or to finalise matters without dealing with the merits of a case, if the reason of the objection to the judgment is the following:*
  - *Inconsistence with Islamic Shari'ah laws and laws that the king shall issue that are not inconsistent with Shari'ah laws.*
  - *Issuing the judgment from a court that does not have a valid composition according to what is stated in this law and others.*
  - *The judgment is issued by a non-competent panel or court.*
  - *There is a fault in the case facts or description of the case.*

## Appellate courts

Each province in the Kingdom has at least one appellate court. There are 5 categories of appellate courts, with jurisdiction as follows:

1. Legal “rights”
2. Criminal
3. Family status
4. Commercial
5. Labour

Article 17 of the Judiciary Law says that *“the appellate courts shall look in judgments issued by the first instances courts. They shall issue judgment after viewing the respondents’ petitions according to Shari’ah Procedure law courts and law of criminal procedure”*.

### **Courts of First Instance**

There are courts of first instance in the various provinces and governorate. The Law of Procedures before the Shari’a Courts issued by Royal Decree No. M/1 on 22/01/1435H corresponding to 25 November 2013 regulates the jurisdictions of the courts of first instance. This is supplemented by [the Law of Criminal Procedures](#), which was issued by Royal Decree No. M/2 on 22/01/1435H corresponding to 25 November 2013 in relation to the jurisdiction of first instance Criminal Courts.

### **General Courts**

Article 31 of the Law of Procedures before the Shari’a Courts states that *“General Courts shall have jurisdiction over all claims and cases or the like not under the jurisdiction of other courts, notary public, and Board of Grievances. In particular, such courts shall have jurisdiction over the following:*

1. *Lawsuits involving property, disputing the ownership thereof, a right relative thereto, fault case against the property or the beneficiaries thereof, lawsuits for restraining interference with possession or for recovery of possession, evacuation, paying the rent, or contributing therein, or the lawsuits for restraining interference with possession or for recovery of possession or the like, unless otherwise stated herein.*
2. *Issuing title deeds or registration of endowment.*
3. *Lawsuits arising from the traffic accidents or the violations set forth in the traffic code and the executive regulations thereof.*

### **Criminal Courts**

Article 128 of the Law of Criminal Procedures states:

*Without prejudice to the jurisdiction of other courts, the criminal court shall have jurisdiction over all criminal cases.*

Article 20 of the Judiciary Law states:

*The criminal court shall compose the following specialised panels:*

- (a) *Panels for punishments (Qassas) and Shari’ah laws (Al Houdood).*
- (b) *Panels for discretionary punishments (Tazir).*
- (c) *Panels for juveniles/minors.*

### **Family Courts**

Article 33 of the Law of Procedures before the Shari’a Courts states that:

*Family Courts shall have the jurisdiction over the following:*

1. *All family status cases including:*

1. *Recording marriage, divorce, 'khul' divorce at the insistence of the wife, marriage dissolution, Raj`a "Return" custody, support, and visit.*
2. *Registration of endowment, probate, paternity, absence, death, and determination of heirs.*
3. *Legacy and division of succession including disputed property, shares in endowments or wills, minor, or absent parties.*
4. *Designating trustees, guardians and administrators and permitting them to perform actions that require the judge's permission, and dismissing them if required, interdicting spendthrifts or lifting thereof. The regulations hereof shall determine the necessary procedures therefore.*
5. *Recording the authorization of the mute who cannot read and write.*
6. *Marrying off women who have no guardians or whose marriage preventer is the guardian thereof.*
7. *Lawsuits arising from personal status issues.*
8. *Lawsuits filed to execute the penalties set forth in the law of the General Authority for Custody over the Properties of Minors or the like.*

## **Commercial Courts**

According to Article 35 of the Law of Procedures before the Shari'a Courts the Commercial courts shall have jurisdiction over the following:

1. *All commercial disputes, whether principal or consequential, occurring among traders.*
2. *Lawsuits filed against the trader because of the principal or consequential acts thereof.*
3. *Disputes occurring among partners in partnerships.*
4. *All lawsuits and violations relating to commercial laws without prejudice to the jurisdiction of the Grievance Board.*
5. *Bankruptcy lawsuits, interdiction of the bankrupt, or lifting thereof.*
6. *Other commercial disputes.*

## **Labour Courts**

Article 34 of the Law of Procedures before the Shari'a Courts states:

*Labour courts shall have jurisdiction over the following:*

1. *Disputes relating to employment contracts, wages, rights, labour injuries, and granting compensation thereto.*
2. *Disputes relating to imposing of the disciplinary penalties by the employer on the employee or exemption thereof.*
3. *Lawsuits filed to execute the penalties set forth in the Labour Law.*
4. *Disputes arising from lay-off.*
5. *The complaints of employers and employees whose objections are against any resolution, issued by any competent body in the General Organization for Social Insurance, relating to registration, subscription, or compensation.*
6. *Disputes involving employees subject to the provisions of labour law including the civil servants.*
7. *Disputes arising from the application of labour law and social insurance law without prejudice to the competencies of the other courts and Grievance Board.*

## **Conclusion**

The new court system, once fully in place, will result in a structure that will be familiar to lawyers in many other jurisdictions. It will simplify and clarify the jurisdictions of the courts. It may also lead to the development of greater specialisation by members of the judiciary which in turn could lead to greater certainty in the dispute resolution process. The initiative is a highly significant reform.