

**Law No. (87) of 1973
on unifying the judiciary**

In the name of the people

The Revolutionary Command Council:

Upon review of:

- The Constitutional Declaration issued on 2 Shawwal 1389 AH, corresponding to 11 December 1969 AD;
- The Code of Civil and Commercial Procedure;
- The Code of Procedure before Sharia Courts issued on 4 Jumada Al-Awwal 1378 AH, corresponding to 15 November 1958 AD;
- Justice System Law No. (29) of 1962;
- Law of Legal Practice No. (8) of 1965;
- Law No. (55) of 1971 on the justice system for remote areas;
- Law No. (86) of 1971 forming the Supreme Council of Judicial Bodies;
- Law No. (88) of 1971 on the administrative judiciary;
- The decision of the Revolutionary Command Council issued on 9 Ramadan 1391 AH, corresponding to 28 October 1971 AD forming committees to review and amend legislation in accordance with the basic principles of the Islamic Sharia.
- And based on the proposal of the Minister of Justice and the approval of the Cabinet.

issued the following law:

Article (1)

The sharia and civil judiciary shall be integrated in one judicial authority, whose courts shall be arranged as follows:

Courts of Appeal.

Courts of First Instance.

Summary Courts.

Article (2)

The establishment of the Courts of Appeal and determining the locations and jurisdiction of each shall be governed by a decree from the Minister of Justice. The Court of Appeal may convene in any other location within its jurisdiction by virtue of a decree from the Minister of Justice at the request of the President of the Court.

Each court of appeal shall be composed of a president and a sufficient number of judges, who may be at the grade of a president or a deputy judge.

Rulings shall be issued by three judges.

Article (3)

There shall be one or more Criminal Court Circuit in every Court of Appeal and each circuit shall be composed of three judges.

The Criminal Court shall convene at the locations of the Court of First Instance. At the request of the President of the Court of Appeal, the Ministry of Justice may decide that the Criminal Court convenes in another location within its jurisdiction.

Article (4)

The establishment of the Courts of First Instance and determining the locations and jurisdiction of each shall be governed by a decree from the Minister of Justice. The Court of First Instance shall be composed of a president and a sufficient number of judges, who may be at the grade of president or a deputy judge.

Rulings shall be issued by three judges when the Court convenes as an appellate authority and by one judge in other cases.

Article (5)

There shall be Summary Courts in the jurisdiction of every Court of First Instance, and each shall be composed of a judge. They shall be established and their locations and jurisdictions determined by virtue of a decree from the Minister of Justice. After taking the opinion of the General Assembly of the Court of First Instance, the Minister may establish Summary Courts to hear certain types of cases. The decree shall specify the location and jurisdiction of each Summary Court.

Article (6)

Establishing the courts of remote areas and determining their jurisdiction shall be in accordance with the provisions of the aforementioned Law No. (55) of 1971.

Article (7)

Courts shall have jurisdiction in all disputes in civil and commercial matters, personal status affairs, endowments, and all crimes, except those exempted by virtue of a special provision.

Courts shall also have jurisdiction to investigate death and inheritance, verify arguments and testimonies of all kinds, notarise all contracts and agreements, authenticate signatures and seals contained therein, and certify the date thereof, all without prejudice to the notarisation laws. The conditions of the courts' exercise of this jurisdiction and the fees related thereto shall be determined by a decree from the Minister of Justice.

A marriage officiant may act on behalf of the courts to notarise marriage contracts and divorce declarations between Muslims. Provisions pertaining to the appointment, remuneration, conditions, and other affairs of marriage officiants shall be governed by a decree from the Minister of Justice.

Article (8)

1. The rules of the jurisdiction of the courts shall be stipulated in the Code of Civil and Commercial Procedure and the Code of Criminal Procedure.
2. Personal status and endowment cases shall be subject to the provisions of the Code of Procedure, which govern the rules of subject-matter and local jurisdiction that were in force before the Code of Procedure before Sharia Courts entered into effect.

3. The legal system for remote areas shall specify the rules of jurisdiction for the courts of these areas.

Article (9)

Until the of rules of procedure are unified, personal status and endowment cases shall be subject to the provisions of the Code of Procedure pertaining to filing and conducting the case, procedures for authentication and the appeal and execution of rulings issued in their regard.

Article (10)

Cases being reviewed before Sharia and Civil Courts when this law enters into force shall be referred to the courts established as per its provisions. They shall be referred in the same status and without new fees, as follows:

- a. Cases being reviewed before Sharia and Civil Courts of Appeal shall be referred to the Court of Appeal in whose jurisdiction falls the Sharia or Civil Court or the Public Prosecution that issued the appealed ruling.
- b. Cases being reviewed before Sharia Courts of First Instance and Public Prosecutions that fall within the jurisdiction of the Court of First Instance as per the provisions of the Code of Procedure shall be referred to the competent Court of First Instance. Cases being reviewed before Civil Courts of First Instance shall also be referred to the competent Court of First Instance.
- c. Cases being reviewed before Sharia Courts of First Instance and Public Prosecutions that fall within the jurisdiction of the Summary Court as per the provisions of the Code of Procedure shall be referred to the competent Summary Court. Cases being reviewed before Civil Summary Courts shall also be referred to the competent Summary Court.
- d. Cases being reviewed before Public Prosecutions that fall within the jurisdiction of the courts of remote areas as per the aforementioned Law No. (55) of 1971 shall be referred to the competent court among these courts.

Article (11)

First instance rulings issued by Sharia Courts of First Instance or Public Prosecutions before this law enters into force shall be appealed before the Court of Appeal in whose jurisdiction of falls the Sharia Court or the Public Prosecution that issued the ruling.

Article (12)

1. A committee chaired by the Minister of Justice and with the Prosecutor General and the presidents of a Sharia Court and a Civil Court of Appeal as members, as chosen by the Supreme Council of Judicial Bodies, shall be formed and it shall distribute the existing judges of Sharia and Civil Courts and prosecutors to courts and public prosecutions.
2. However, the committee may appoint whomever it deems fit to a grade higher than his current grade in either of the following two cases:
 - a. If he has spent at least two years in his current grade, in which case the appointment shall be to the grade directly above his current grade.
 - b. If he has previous experience useful for his work, provided that such appointment does not cause him to take precedence over his peers in other departments.

Article (13)

The committee may transfer some judges to other functions equivalent to their current functions or refer them to retirement. When calculating their entitlements to pension or bonus, five years or the time necessary for the service period to become twenty-five years, whichever is less, shall be added to their service period spent in active service as of the date of the referral decision, even if the period then exceeds the age prescribed for departure from the service. The pension or bonus shall be settled on the basis of the last salary earned before the end of service.

The transfer or referral to retirement shall be based on a written request submitted by the person concerned within one month from the date of the publication of this law in the Official Gazette.

Article (14)

The decisions issued by the committee shall be adopted in accordance with the two previous articles of the Revolutionary Command Council.

The decisions of the committee shall be issued and adopted within a maximum of two months from the date of the publication of this law in the Official Gazette.

Article (15)

The Sharia and Civil Judicial Inspection Departments shall be merged into one department that shall be responsible for inspecting the actions of judges and prosecution members up to the position of court president or its equivalent.

Article (16)

The following text shall replace Article (93) of the aforementioned Law No. (29) of 1962:

A sufficient number of judges, whose grades are not less than the grade of president of the court or its equivalent, shall be delegated to work in the Judicial Inspection Department by virtue of a decree from the Minister of Justice after the approval of the Supreme Council of Judicial Bodies.

The function of the head of this department may be filled by delegating one of the judges of the Supreme Court after taking the opinion of the President of this Court and after the approval of the Supreme Council of Judicial Bodies.

Article (17)

The following two texts shall replace Articles (4) and (6) of the aforementioned Law No. (86) of 1971:

Article (4): The Chairman of the Revolutionary Command Council shall chair the Supreme Council of Judicial Bodies and the Council shall be formed as follows:

Minister of Justice, as deputy chairman
President of the Supreme Court;
Prosecutor General;
Most senior judges in the Courts of Appeal;
Head of the Judicial Inspection Department;

And Head of the State Lawsuits Authority, as members.

Article (6): The Supreme Council of Judicial Bodies shall convene at the request of the Chairman of the Revolutionary Command Council or the Minister of Justice.

Its sessions shall only be valid if they are attended by at least the majority of its members. Its decisions and recommendations shall be taken by the majority of the members present during the vote. In the event of a tie, the side with which the chairman voted shall prevail.

Article (18)

The following text shall replace Article (4) of the aforementioned Law No. (55) of 1971:

Article (4): The courts of remote areas shall have jurisdiction in all disputes in civil and commercial matters and personal status affairs that originally fall within the jurisdiction of the Summary Court. Their local jurisdiction with regards to these matters shall be determined in accordance with the rules set forth in the Code of Civil and Commercial Procedure.

Article (19)

A new Article No. (12) with the following text shall be added to Article (47) of the Code of Procedure:

Article (12): Confirm chosen legal guardians, appoint legal guardians over minors, and appoint legal guardians for incapacitated persons, oversee their actions, settle their accounts, remove them, and replace them with others in the event the money of the minor, minors, or incapacitated persons does not exceed three thousand dinars.

Article (20)

The Administrative and Clerical Inspection Departments shall be merged in one department that shall be responsible for the inspection of the administrative and clerical activities of the employees of courts and public prosecutions.

Article (21)

There is a table of the lawyers certified before Sharia and Civil Courts, and each of them shall be considered licensed to plead before the court established according to the provisions of this law, provided that its degree is equivalent to that of the courts before which he was certified to plead.

Article (22)

This law does not prejudice the provisions of Law No. (88) of 1971 on the administrative judiciary.

Article (23)

Subject to the provisions of Article (9), the Code of Procedure before Sharia Courts and the Law of Deputy Judges shall be repealed. Any provision contrary to the provisions of this law shall also be repealed.

However, rules pertaining to notarisation before the courts and the fees prescribed for this shall continue to be applicable until they are amended or cancelled in accordance with the provisions of this law.

Article (24)

The Minister of Justice shall implement this law, which shall enter into force starting from the day following the lapse of two months from its date of publication in the Official Gazette, with the exception of Articles (12), (13), and (14), which shall enter into force from its date of publication.

The Revolutionary Command Council
Major Abdessalam Ahmed Jalloud
Prime Minister

Mohammed Ali El-Jaddi

Minister of Justice

Issued on 23 Shawwal 1393 AH

Corresponding to 17 November 1973 AD