

**Law No. (55) of 1971  
on the Justice System for remote areas**

**In the name of the People,**

**The Revolutionary Command Council,**

**Upon review of:**

- Constitutional Declaration No. (1) issued on 2 Shawwal 1389 AH, corresponding to 11 December 1969 AD;
- Justice System Law No. (29) of 1962 and amendments thereto;
- The Code of Civil and Commercial Procedure;
- The Code of Criminal Procedure;
- Based on the submission of the Minister of Justice and the approval of the Cabinet;

**issued the following Law:**

**Article (1)**

This Law shall apply to remote areas as defined pursuant to a Cabinet decree.

**Chapter (1)**

**Formation and Jurisdiction of the Courts**

**Article (2)**

Courts, each of which shall consist of a judge, shall rule on the disputes set out herein. A decree from the Minister of Justice shall be issued establishing such courts and defining their areas of jurisdiction.

The procedures set out in this Law shall be followed before said courts.

**Article (3)**

Judges shall be assigned to work in the courts referred to in the preceding article pursuant to a decree from the Minister of Justice. Members of the sharia courts may be assigned, provided that their activities at such courts are subject to inspection by the civil judiciary. The Minister of Justice shall specify the procedures of such inspection and the rules for determining their adequacy.

**Article (4)**

The courts of remote areas shall hold jurisdiction to rule on civil and commercial disputes falling within the original jurisdiction of the criminal court. Their local jurisdiction with regard to these disputes shall be determined in accordance with the rules provided under the Code of Civil and Commercial Procedure with regard to local jurisdiction.

**Article (5)**

Without prejudice to the jurisdiction of the criminal court to hear violations and misdemeanours, the courts of remote areas shall hold jurisdiction to rule upon the following crimes if they occur within their area of jurisdiction:

1. Violations
2. Misdemeanours determined pursuant to a decree from the Minister of Justice.

## **Chapter (2)** **Civil and Commercial Procedures**

### **Article (6)**

Cases may be filed before the court in writing or orally, and the plaintiff may file the case directly or through a representative.

### **Article (7)**

If a case is filed orally, the judge shall draw up a report of the information stated by the plaintiff or representative thereof. Such report shall be signed by the judge and the plaintiff or their representative, after payment of the case fees by the party filing the case.

### **Article (8)**

The case shall be recorded in a special register under a serial number, stating the names of the parties to the dispute, their place of residence, and the merits and submission date of each case.

Upon registration, the case shall be submitted to the judge to set a date for hearing. This shall be recorded and reported to the plaintiff or representative thereof. Such report shall serve as official notification of the case.

A judge may hear a case in another location outside the courthouse.

### **Article (9)**

The defendant shall be served a copy of the statement of claim or procès-verbal. The notice shall state the location and date of the case hearing. Service shall take place at least a week prior to the session set to hear the case.

### **Article (10)**

The judge shall determine the manner of service, taking into consideration the circumstances of each case, and may assign the police, members of local governance, or court employees to serve notice.

### **Article (11)**

The notice shall be delivered to the person being served or at their place of residence to someone residing with or working for them. In the event that no such persons are present, those present decline to receive the notice, or it becomes clear that they do not hold legal capacity, the person serving notice must write this on the original notice and submit a copy thereof to the local counsellor, who shall deliver it to the person being served.

### **Article (12)**

If the plaintiff and the defendant appear before the judge and request that their case be heard, the judge must, using due diligence, draw up a report including all of the information identifying the opponents, the merits of the case, and the claims, after payment of the fees set for the case by the party filing the case.

The case shall be recorded in the case registry from the information written in the report, then the judge shall hear the case immediately if possible, or set another session to hear it.

### **Article (13)**

The parties may appear directly or be represented by attorneys or relatives to the fourth degree.

#### **Article (14)**

If the plaintiff or the defendant does not appear at the first hearing set by the court, the case shall be cancelled. If the defendant alone appears at the first session, they may request that the case be ruled upon or cancelled. The case shall be renewed based on a request submitted by the plaintiff to the court, which may exempt the plaintiff from the renewal fees if it finds the reasons given for their absence convincing. Cases may not be renewed more than once. If a case remains cancelled for a period of sixty days it shall be considered as if it never was.

#### **Article (15)**

Rulings handed down with the defendant *in absentia* are permissible if the court confirms that the defendant was properly served.

#### **Article (16)**

The plaintiff shall, on the day of the hearing or prior thereto, submit the documents on which their claims are based. The court shall enable the defendant to review such documents and may grant the defendant a period of time, if requested, to allow the defendant to respond to the case or submit their documents.

#### **Article (17)**

The litigants shall appear on the day of the hearing along with the witnesses or experts that they wish to give testimony. The court may, of its own accord, summon anyone whose testimony it wants to hear or whose expert assistance it deems necessary, and the court may order the joinder of anyone it deems necessary to join to the parties in the interest of justice or to reveal the truth.

#### **Article (18)**

The court shall strive to conduct conciliation among the parties by all means necessary. If conciliation is achieved, such shall be written in the session report or the agreement appended to the report. In all cases, the report shall be signed by the parties and the judge, and the report shall be considered as having the force of an executory legal document.

If conciliation attempts fail, the court must rule on the merits of the case.

#### **Article (19)**

The testimony of each witness shall be heard one at a time, and the expert statements shall be heard, all while under oath.

#### **Article (20)**

The court may, at the request of the parties, administer an assertory oath in the formulation stated in the hearing minutes and, after swearing the oath, the minutes shall be signed by the person under oath and the judge.

#### **Article (21)**

The court may not adjourn a case hearing without a justified excuse and a hearing may not be adjourned for the same reason more than once. In all circumstances, ruling on the case shall not be postponed for more than two months.

### **Article (22)**

The court shall issue its ruling after hearing the statements of the litigants, verifying their defence, and inspecting their documents. The hearing proceedings shall be written up in a report signed by the judge in which the procedures from the start of hearing the case until issuance of the ruling thereon shall be set out, including the proposal of conciliation to the parties.

### **Article (23)**

The court shall issue its ruling on the case and state therein the material grounds for its decision. The grounds of the ruling must be stated when the ruling is read, unless the ruling is issued in a hearing. In this case the grounds must be filed within three days at most.

### **Article (24)**

The ruling must state the court that issued the ruling and the issuing date, the name of the judge that issued the ruling, the name of the parties, their places of residence and names of their representatives, if any, and must state the elements of the dispute, the wording of the ruling, and contain the judge's signature.

### **Article (25)**

The rulings of courts of remote areas are subject to appeal before the appeals circuit at the civil court of first instance in whose jurisdiction the court that issued the ruling is located, within the limits and deadlines and in accordance with the procedures provided with regard to the appeal of criminal court rulings.

Rulings issued by the courts of remote areas may be appealed within the limits of the minimum amount therefor, if rendered invalid or there is an error in the application of the law.

### **Article (26)**

Expedited rulings shall be included in the circumstances set out in the Civil and Commercial Code of Procedure.

### **Article (27)**

Rulings shall be enforced by the police or member of local governance, at the request of the prevailing party. Enforcement may commence only after the party against whom the ruling is to be enforced has been notified of the content of the ruling.

### **Article (28)**

The court shall rule on requests for judicial assistance submitted in the cases that fall within its jurisdiction. With regard to such requests, the rules set out in Section Five of the Justice System Law shall apply.

## **Chapter (3) Criminal Procedures**

### **Article (29)**

Members of the police who are assigned to work at the public prosecution may perform investigations and initiate criminal cases before said courts, in accordance with Article (2) *bis* of the Code of Criminal Procedure.

#### **Article (30)**

For crimes committed in its area of jurisdiction, the court shall have the powers of a criminal judge with regard to extending preventative detention and release on bail or without bail.

#### **Article (31)**

Civil rights claims in criminal cases heard by the courts of remote areas shall not be accepted.

#### **Article (32)**

Cross-claims from the party against whom a ruling was issued by the courts *in absentia* shall be accepted in accordance with the Code of Criminal Procedure.

#### **Article (33)**

All rulings issued on criminal articles in accordance with this Law shall be subject to appeal before the violations and misdemeanours appeals circuit at the civil court of first instance within whose jurisdiction the court that issued the ruling lies, in accordance with the conditions and procedures set out in the Code of Criminal Procedure.

### **Chapter (4) General Provisions**

#### **Article (34)**

The courts shall exercise their jurisdiction as set out in this Law where no special provision is made guided by the general rules of the Civil and Commercial Code of Procedure and the Criminal Code of Procedure, in particular those parts related to guarantees on litigation and rights of defence.

#### **Article (35)**

The Minister of Justice shall issue the decrees necessary to implement this Law, and shall specify the forms and registers required for such.

#### **Article (36)**

This Law shall come into force as of 11 Rajab 1391 AH, corresponding to 1 September 1971 AD. It shall be implemented by the Minister of Justice and the Minister of Interior, and published in the Official Gazette.

**The Revolutionary Command Council – Libya  
Colonel Muammar Gaddafi  
Prime Minister**

**Mohammed Ali al-Jiddi  
Minister of Justice**

**Gen. al-Khweldi al-Hamedi  
Minister of Interior and Local Governance**

**Issued on 25 Jumada al-Akhera 1391 AH  
Corresponding to 17 August 1971 AD**