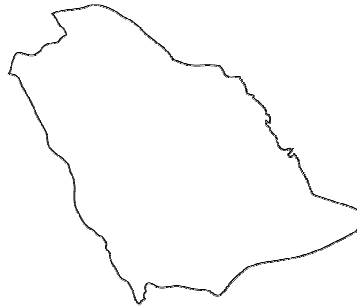


KINGDOM OF SAUDI ARABIA

(AL MAMLAKAH AL ARABIYAH AS SUUDIYAH)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Islamic Law (Shari'ah).
POLITICAL SYSTEM	Monarchy.
HEAD OF STATE	King. The Saudi Arabian Basic Law mandates that the throne remain in the possession of the sons and descendants of the kingdom's founder.
HEAD OF GOVERNMENT	King.
SUBNATIONAL ENTITIES	Saudi Arabia is divided into 13 provinces (<i>mintaqat</i> , singular <i>mintaqah</i>). Each province is governed by a prince or member of the royal family. The capital city is Riyadh, located in the province of Riyadh.
SUBLOCAL ENTITIES	Cities.
TRANSLITERATION SYSTEM	No standard format.
LANGUAGE	Arabic.

CONSTITUTION

ENACTMENT	Saudi Arabia has no formal constitution; however, by Royal Decree in 1992, the King implemented the Basic Law of Governance. To the extent that the Basic Law can be considered an "informal" constitution, Article I establishes the Qur'an and the Sunnah of the Prophet Mohammed as the "formal" constitution.
CITATION FORMAT	<p>QUR'AN, <chapter> : <verse> , Tr. <name of translator> (<date of translation>).</p> <p>SUNNAH, <source of the Sunnah> , No. <number of hadith>.</p>

BASIC LAW, art. x, cl. X (<year of publication>).

QUR'AN, 10:26, Tr. M.H. Shakir (1983).

Examples

SUNNAH, Sunan Ibn Majah, No. 2443.

BASIC LAW, art. 5, cl. 1 (1992).

BASIC LAW, pmbl. (1992).

DECREES, RESOLUTIONS, & DECISIONS

LEGISLATIVE PROCESS

There is no standard legislature in Saudi Arabia. Consequently, new laws primarily originate from the Council of Ministers or the Majlis Al-Shura. Of course, the King himself can issue royal decrees without consultation or proposition of legislation by either of these bodies; however, he is subject to compliance with the basic tenets of Shari'ah law.

The King governs with the assistance and advice of the Council of Ministers, also referred to as the Cabinet. As suggested by the name, the Council is composed of the heads of 22 ministry departments. The Council drafts resolutions which are binding upon a majority vote of the members, but enactment of the resolution is dependent upon ratification by the King's decree. This body and the ministers individually are responsible for drafting regulations and implementing the policies of the Kingdom.

Similarly, the King also receives assistance from the Majlis Al-Shura, or Consultive Council. Originally, this 150-member body acted only in an advisory capacity, but in 2003, the Shura was granted power to propose legislation also. The decisions of the Shura are subject to debate and approval by the Council of Ministers. Regardless of whether the bodies agree or disagree, the adoption or rejection of the proposal is solely within the King's discretion.

Decisions and resolutions approved by the King via royal decrees are published in the Umm al-Qura, or Official Gazette. If permitted by decree, regulations can be promulgated by individual ministries or government agencies, but such regulations are not generally published, rather they are distributed through ministerial or administrative circulars.

CITATION FORMAT

<name of enactment> , Royal Decree No. <reference number> , <Islamic day, month year> A.H. (<standard date>)

<name of ministerial decision> , No. <reference number> , <Islamic day, month, year> A.H. (<standard date>).

	<p><name of resolution> , <i>promulgated</i> <Islamic promulgation date> (<standard Promulgation date>).</p>
<i>Examples</i>	<p>Law of the Judiciary, Royal Decree No. M/64, 14 <i>Rajab</i> 1395 A.H. (July 23, 1975).</p> <p>Implementing Regulations of the Private Laboratories Law, Ministerial Decision No. 307, 21 <i>Safar</i> 1424 A.H. (April 21, 2003).</p> <p>Labor and Workmen Law, Council of Ministers Decision No.745, 23/24 <i>Sha'ban</i> 1389 (November 3-4, 1969), <i>promulgated</i> Royal Decree No. M/21, 6 <i>Ramadan</i> 1389 A.H. (November 15, 1969).</p> <p>Procedural Rules Before the Board of Grievances, Council of Ministers Resolution No. 190, 16 <i>Dhu al-Qa'dah</i> 1409 (June 19, 1989).</p> <p>Ministry of Interior Resolution No. 20, <i>promulgated</i> 21 <i>Muharram</i> 1406 A.H. (Oct. 5, 1985).</p>
OFFICIAL PUBLICATION	<p>Official Gazette: Umm al-Qura</p> <p>Law of the Judiciary, Umm al-Qura No. 2592, 29 <i>Sha'ban</i> 1395 A.H. (September 5, 1975).</p>

SHARI'AH COURTS

JUDICIAL OVERVIEW	<p>There are three primary divisions within the Saudi Arabian Shari'ah Courts: Supreme Judicial Council, Courts of Cassation, and the Courts of First Instance. Only the latter two bodies, however, actually function as traditional courts.</p> <p>The Supreme Judicial Council, composed of 11 members appointed by the King, predominantly functions as an administrative body by supervising the lower courts. Despite such administrative duties, the Council does provide legal opinions, advises the King, and reviews sentences involving death, amputation, or stoning. The Minister of Justice serves as the chief of the Council</p> <p>The Courts of Cassation, or court of appeals, are located in Mecca and Riyadh and consist of three departments: criminal law, personal status suits, and all others. The court located in Mecca hears cases from the western provinces, while the Riyadh court entertains cases from the central and eastern provinces. Because of the unique function of the Supreme Judicial Council, the decision of this court is generally final. Unlike western courts of appeal, the Courts of Cassation will only affirm or remand for a new trial, whether in whole or in part. As with other aspects of the Saudi Arabian monarchy, the</p>
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King is ultimately the highest court of appeal with the ability to pardon.

The Courts of First Instance are the trial courts and are sub-divided into two distinct systems: General Courts and Summary Courts. Summary Courts hear minor civil and criminal cases. The General Courts hear all other cases outside the jurisdiction of the Summary Courts. The decisions of both courts can be appealed directly to the Courts of Cassation.

Judicial Decision-Making:

In making their decisions, judges rely on four sources of authority. In order of precedence is the Qur'an, the Sunnah of the Prophet, the Ijma' (consensus of opinion of Muslim scholars of the principles involved in a specific case after the death of the Prophet), and finally, the Quas, which is logical reasoning by analogy.

Prior to the unification of the judicial system, judges would refer to either the Hanbali, Shafii, Hanafi, or Ma'liki Schools of Jurisprudence (*madh'hab*) for guidance. However, after unification, it appears that the Hanbali School has become the predominant philosophy with the other schools serving as secondary philosophies when the Hanbali tradition can offer no guidance on a particular issue.

CITATION METHOD FOR QUR'AN	QUR'AN, <chapter> : <verse> , Tr. <name of translator> (<date of translation>).
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<i>Example</i>	QUR'AN, 10:26, Tr. M.H. Shakir (1983).
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CITATION METHOD FOR SUNNAH	SUNNAH, <source of the Sunnah>, No. <number of hadith>.
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<i>Example</i>	SUNNAH, Sunan Ibn Majah, No. 2443.
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ADMINISTRATIVE COURTS/TRIBUNALS

ADMINISTRATIVE OVERVIEW

By Royal Decree, the King has established or permitted the establishment of various quasi-judicial courts which have jurisdiction over specialized topics and areas of law. These courts are subject to Shari'ah law. Most disputes heard within these tribunals generally involve the application of decrees and their implementing regulations to particular situations.

Some ministries and agencies have been granted authority to create tribunals with limited jurisdiction in order to resolve disputes under the ministry's area of expertise .

The Board of Grievances was originally established to hear complaints against government officials for improper behavior; however, its jurisdiction has been expanded to include commercial disputes. Decisions of the board are generally unpublished. The board consists of three circuits:

administrative law circuit, commercial law circuit, and criminal law related to commercial dealings. Each circuit has its own court of first instance and appellate panel.

Other examples of tribunals are the Commission for the Settlement of Commercial Disputes, the Commercial Paper Committee, the Agency Conciliation Committee, the Commission for Labor Disputes, and the Committee for Settlement of Banking Disputes.

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