

**RESEARCH WORK FOR PRO BONO ACTIVITIES**

**SEMESTER- II**

**BATCH 2017-22**

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**RESEARCH PAPER ON LEGAL SYSTEMS AND LEGAL AID IN  
GULF COUNTRIES**

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## Introduction

### **What is Legal Aid?**

Legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal aid is regarded as central in providing access to justice by ensuring equality before the law, the right to counsel and the right to a fair trial. This article describes the development of legal aid and its principles, primarily as known in Europe, the Commonwealth of Nations and the United States.

A number of delivery models for legal aid have emerged, including duty lawyers, community legal clinics and the payment of lawyers to deal with cases for individuals who are entitled to legal aid.

Legal aid is essential to guaranteeing equal access to justice for all, as provided for by Article 6.3 of the European Convention on Human Rights regarding criminal law cases. Especially for citizens who do not have sufficient financial means, the provision of legal aid to clients by governments will increase the likelihood, within court proceedings, of being assisted by legal professionals for free (or at a lower cost) or of receiving financial aid. Though legal aid aims to create more equity in the sphere of legal practices, aid offered is often limited in its quality or its social impact by economic constraints that dictate who can access these services and where the aforementioned services are geographically located.

Commonly, legal aid cannot be availed where:

1. Alternative funding is available to the party requesting it
2. The case is likely to be heard by the small claims court
3. The case involves corporate matters
4. It involves administration of trusts, inheritance and wills, and/or land ownership

Legal aid has a close relationship with the welfare state, and the provision of legal aid by a state is influenced by attitudes towards welfare. Legal aid is a welfare provision by the state to people who could otherwise not afford counsel from the legal system. Legal aid also helps to ensure that welfare provisions are enforced by providing people entitled to welfare provisions, such as social housing, with access to legal advice and the courts. Senior judges and magistrates have raised concerns that they are seeing a rise in the number of defendants without legal representation in court. They have also reported a rise in courtroom violence, as well as increased court costs. It is particularly striking that

many of the cases where lawyers are offering their services for free have actually arisen as a result of poor state decision-making. To take just one example, a student pro bono project working out of the Avon and Bristol Law Centre recently reported a staggering 95% success rate in overturning decisions where people had wrongly been declared “fit for work”.

## **The Arab World**

The Arab states of the Persian Gulf are the seven Arab states which border the Persian Gulf, namely Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE). This excludes the non-Arab state of Iran. All of these nations except Iraq are part of the Gulf Cooperation Council (GCC), and prefer to use the term "Arabian Gulf" rather than "Persian Gulf".

Some states are constitutional monarchies with elected parliaments. Countries like Bahrain and Kuwait have legislatures with members elected by the population. The Sultanate of Oman also has an advisory council that is popularly elected. In the UAE, a federation of seven monarchical emirates, the Federal National Council functions only as an advisory body, but some of its members are now chosen via a limited electoral college nominated by the seven rulers. Saudi Arabia remains a hereditary monarchy with limited political representation. In Qatar, an elected national parliament has been mooted and is written into the new constitution, but elections are yet to be held.

The **Gulf Cooperation Council**<sup>1</sup> is a regional union consisting of all Arab states of the Persian Gulf, except for Iraq. Its member states are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. The Charter<sup>2</sup> of the Gulf Cooperation Council was signed on 25 May 1981, formally establishing the institution. All current member states are monarchies. There have been discussions regarding the future membership of Jordan, Morocco, and Yemen.

A 2011 proposal to transform the GCC into a "Gulf Union" with tighter economic, political and military coordination has been advanced by Saudi Arabia, a move meant to counterbalance the Iranian influence in the region. Objections have been raised against the proposal by other countries. In 2014, Bahrain Prime Minister Khalifa bin Salman Al Khalifa said that current events in the region highlighted the importance of the proposal. In order to reduce their dependence on oil in the future, the GCC states are pursuing unprecedented structural reform initiatives.

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<sup>1</sup> <http://www.gcc-sg.org/en-us/AboutGCC/Pages/OrganizationalStructure.aspx>

<sup>2</sup> <http://www.gcc-sg.org/en-us/AboutGCC/Pages/Primarylaw.aspx>

## **LEGAL SYSTEMS IN THE GULF COUNTRIES**

Due to the similarities in the functioning of the legal systems of the countries in the Arab world, this case study will analyze the legal systems with emphasis on the provision of legal aid in two major countries: United Arab Emirates and The Kingdom of Saudi Arabia.

### **United Arab Emirates**

#### **The Basic System**

Although the core principles of law in the UAE are drawn from Sharia, most legislation is comprised of a mix of Islamic and European concepts of civil law, which have a common root in the Egyptian legal code established in the late 19th to 20th centuries. The French influence is most clearly demonstrated by the adoption of the civil law by most countries in the region similar to those in European states, rather than the common law system in the UK.

In addition to specific legal legislation covering agencies, company law, labor law, and intellectual property, the UAE has enacted civil and commercial codes. Although the system has led to the development of comprehensive and structured legal systems, these are rigid and inflexible to some degree, and this constitutes the bureaucracy of regulation that is associated with countries in the Middle East region as a whole.

The structure of the legal system is complex with both dual courts, Sharia courts and civil courts operating in parallel, but covering different areas of the law. For example in the UAE, each Emirate has its own federal court of first instance, although Dubai and Ras-al-Khaimah have their own separate judicial frameworks.

UAE's Legal System as of the other Legal systems in the Gulf is usually quite complicated and those unfamiliar with their workings can find this very difficult. The fact is that these systems are completely different to those in the west with a whole different language, which makes it worrying for those who want to transact in business in the UAE and the Gulf states. Although these systems are different, the basic legal principles and structure are logical and understandable. They have evolved over many centuries, in a similar way to the West and, especially in the UAE, are adapting to the changing needs of society with new developments in thinking for a modern age.

More changes in commercial law have liberalized legal regimes, creating a more open and understandable environment for foreign businesses and investors. These developments are part of the EXPO 2020 vision of the converting Dubai into the hub of Business for both western countries and the Asian countries. The basis of the legal system in the UAE is Sharia or Quranic Law. In the constitutions, Islam is identified as the state religion as well as the principal source of law. However,

although the principles of Sharia influence criminal and civil laws, the direct influence of Sharia in the UAE is primarily confined to social laws, such as family law, divorce or succession. Most commercial matters are now dealt with by either civil courts or permanently established arbitration tribunals.

### **Constitution of UAE<sup>3</sup>**

Since its establishment on the 2nd of December, 1971, the UAE has set a temporary constitution, which rapidly has turned into a permanent one. This happened after the federal state of the UAE has established its stability, achieved success, committed to a moderate policy, and made cultural changes and giant accomplishments on the local, regional and international levels and further progress for the people of this federation. By so doing, this would be one of the most successful experiences of unification in the modern history.

This constitution explains the main rules of the political and constitutional organization of the state. In fact, it has demonstrated the main purpose of establishment of the federation, its objectives and components on the local and regional levels. It has also elaborated on the major social and economic pillars of federation and stressed public rights, responsibilities and freedoms. Moreover, it has highlighted federal authorities, organized issuance of federal legislation and the competent authorities as well. Above all, it has also dealt with financial affairs of the federation, armed and security forces provisions and legislative, executive and international jurisdictions between the federation and member emirates.

### **Constitutional Amendments and Procedures<sup>4</sup>**

According to Article 144 of the constitution, amendments to the constitution are drafted by the Federal Supreme Council, and must be approved by a two-thirds majority of the Federal National Council, after which the amendment is signed into law by the president.

### **Separation of Executive, Legislative, and Judicial Powers<sup>5</sup>**

The constitution describes five federal institutions. These are the Federal Supreme Council (FSC-executive), the President of the Union and the vice president, the Council of Ministers of the Union, the Federal National Council (FNC-legislative), and the Judiciary of the Union.

The Federal Supreme Council elected Abu Dhabi's President Shaikh Zayed unanimously for the sixth time on December 2, 2001 as the President of the Union. The Council of Ministers drafts decrees and various decisions. The prime minister and the members of the cabinet are responsible to the president

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<sup>3</sup> <https://government.ae/en/about-the-uae/the-constitution-of-the-uae>

<sup>4</sup> <http://www.elaws.gov.ae/EnLegislations.aspx>

<sup>5</sup> [https://www.constituteproject.org/constitution/United\\_Arab\\_Emirates\\_2004.pdf](https://www.constituteproject.org/constitution/United_Arab_Emirates_2004.pdf)

and to the Federal Supreme Council (FSC), which is the highest executive body in the federation, made up of the rulers of the seven emirates.

### **Main Provisions<sup>6</sup>**

1. The Federal Supreme Council is the highest constitutional authority in the UAE. It is also the highest legislative and executive body. It establishes general policies and sanctions federal legislation. The rulers of Abu Dhabi and Dubai have veto power. The FSC meets four times a year, usually informally.
2. The 1996 constitution governs the relationship between the federal government and the emirate governments by giving the central government specific powers and leaving an unspecified area of implicit powers to the emirates. Each emirate retains control over its own oil and mineral wealth and some aspects of internal security. The federal government asserts primacy in most matters of law and government.
3. Articles 120 and 121 of the constitution assign responsibility to the federal government in areas such as foreign affairs, security and defense, nationality and immigration issues, education, public health, currency, postal, telephone and other communications services, air traffic control and licensing of aircraft and a number of other topics specifically prescribed, including labor relations, banking, delimitation of territorial waters and extradition of criminals. Article 121 was amended in 2004 to allow for the devolution of legislative authority vested in the Union onto local federal organizations, specifically the newly formed Dubai International Financial Center (DIFC). The amendment sets a precedent for the expansion of the federal authority.
4. With respect to the Emirates, Article 116 stipulates that “the Emirates shall exercise all powers not assigned to the Federation by this Constitution.” Article 122 further emphasizes that “the Emirates shall have jurisdiction in all matters not assigned to the exclusive jurisdiction of the Federation, in accordance with the provision of the preceding two Articles.” The constitution also enables the rulers of the emirates, however, to relinquish, if they wish, certain areas of authority prescribed as being the responsibility of individual emirates to the federal government. The decision to unify the Armed Forces in the mid-1970s is an example of this prerogative.

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<sup>6</sup> <https://uaecabinet.ae/en/federal-supreme-council>

5. The relationship between the federal and the local levels of government continues to change and evolve. Smaller emirates have benefited from the federation in areas like education and tourism. At the same time, in other areas, such as the judiciary, there has been an evolving trend towards a further voluntary relinquishment of local authority to the federal institutions.

### **Legal Aid**

Dubai Courts has introduced free records, case enrolment, and online legal advice services to encourage efficiency and also to help educate people about their rights and duties and judicial processes. The “Shoor” (signifying ‘Counsel’) activity is designed for giving general society lawful administrations on issues connected with community, land, monetary, work or private matters and straightforwardness legal advices for them. Heavy stress has been put on the need for the venture involving legal companies and the Courts to help to empower people to be aware of their rights and duties under the laws of the state and ensuring justice for all. Dubai Courts’ administration empowers clients to document their cases averting them the most physically approach the Courts. ‘Al Salfa’ is the first of its sort in the Middle East. Candidates get first hearing date through the Dubai Courts website, pay charges, get cases recorded, and can transfer and send every required document electronically.

### **Legal System in Saudi Arabia**

#### **Court Structure<sup>7</sup>**

The Sharia court system constitutes the basic judiciary of Saudi Arabia and its judges and lawyers form part of the ulema the country's religious leadership. There are also extra-Sharia government tribunals which handle disputes relating to specific royal decrees and since 2008, specialist courts, including the Board of Grievances and the Specialized Criminal Court. Final appeal from both Sharia courts and government tribunals is to the King and as of 2007, all courts and tribunals followed Sharia rules of evidence and procedure.

The Sharia courts have general jurisdiction over most civil and criminal cases. At present, there are two types of courts of first instance: general courts and summary courts dealing with lesser cases. Cases are adjudicated by single judges, except criminal cases if the potential sentence is death, amputation or stoning when there is a panel of three judges. There are also two courts for the Shia

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<sup>7</sup> <https://www.saudiembassy.net/legal-and-judicial-structure-0>

minority in the Eastern Province dealing with family and religious matters. Appellate courts sit in Mecca and Riyadh and review decisions for compliance with Sharia.

There are also non-Sharia courts covering specialized areas of law, the most important of which is the Board of Grievances. This court was originally created to deal with complaints against the government, but as of 2010 also has jurisdiction over commercial and some criminal cases, such as bribery and forgery, and acts as a court of appeal for a number of non-Sharia government tribunals. These administrative tribunals, referred to as "committees", deal with specific issues regulated by royal decrees, such as labor and commercial law.

## **Judges**

The judicial establishment, in the broadest sense, is composed of *qadis*, who give binding judgments in specific court cases, and *muftis* and other members of the *ulema*, who issue generalized but highly influential legal opinions (*fatwas*). The Grand Mufti is the most senior member of the judicial establishment as well as being the highest religious authority in the country; his opinions are highly influential among the Saudi judiciary. The judiciary proper (that is, the body of *qadis*) is composed of about 700 judges, a relatively small number (according to critics) for a country of over 23 million.

*Qadis* generally have degrees in Sharia law from an Islamic university recognized by the Saudi government with, in many cases, a post-graduate qualification from the Institute of Higher Judiciary in Riyadh. The training received from such Sharia law degrees is entirely religious in character and is based on the Qur'an and centuries old religious treatises with no reference to, for example, modern commercial issues. Although most judges have been educated and appointed under the current system, some of the older judges received the traditional *qadis* training of years of instruction by a religious mentor in a mosque.

The capabilities and reactionary nature of the judges have been criticized. The main complaint reportedly made by Saudis privately is that judges, who have wide discretion in interpreting the Sharia, have no knowledge, and are often contemptuous, of the modern world. Reported examples of judges' attitudes include rulings banning such things as the children's game Pokémon, telephones that play recorded music, and sending flowers to hospital patients. Saudi judges come from a narrow recruitment pool. By one estimate, 80% of the 600+ Saudi judges and almost all senior judges come from Qasim, a province in the center of the country with less than 5% of Saudi's population, but known as the strict religious Wahhabi heartland of Saudi Arabia. Senior judges will only allow like-

mindful graduates of select religious institutes to join the judiciary and will remove judges that stray away from rigidly conservative judgments.

### **Reforms and developments (2008–2015)**

The Saudi system of justice has been criticized for being slow, arcane, lacking in some of the safeguards of justice and unable to deal with the modern world. In 2007, King Abdullah issued royal decrees with the aim of reforming the judiciary and creating a new court system. The reforms have yet to be implemented in full but, once they are, will include the creation of a Supreme Court and the transfer of the Board of Grievances' commercial and criminal jurisdictions to a restructured general court system. New specialist first instance courts will be established comprising general, criminal, personal status, commercial and labor courts. The Sharia courts will therefore lose their general jurisdiction to hear all cases and the work load of the government's administrative tribunals will be transferred to the new courts. Another important change is the establishment of appeal courts for each province. It has been claimed that the reforms will establish a system for codifying Sharia and incorporating the principle of judicial precedent into court practice.

In 2008, the Specialized Criminal Court was created. The court tries suspected terrorists and human rights activists. On 26 June 2011, the court started trials of 85 people suspected of being involved in Al-Qaeda in the Arabian Peninsula and the 2003 Riyadh compound bombings, and in September 2011 another 41 al-Qaeda suspects appeared in the court. In the same year, the court held trial sessions of human rights activists, including Mohammed Saleh al-Bejadi, co-founder of the Saudi Civil and Political Rights Association (ACPRA) and Mubarak Zu'air, a lawyer for long-term prisoners, and a protestor, Khaled al-Johani, who spoke to BBC Arabic Television at a protest in Riyadh. The court convicted 16 of the human rights activists to sentences of 5–30 years on 22 November 2011<sup>8</sup>.

In 2009, the King made a number of significant changes to the judiciary's personnel at the most senior level by bringing in a younger generation. For example, as well as appointing a new Minister of Justice, a new chairman of the Supreme Judicial Council was appointed. The outgoing chairman was known to oppose the codification of Sharia. The king also appointed a new head of the Board of Grievances and Abdulrahman Al Kelya as the first chief justice of the new Supreme Court. As of January 2013

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<sup>8</sup> <https://www.amnesty.org/en/latest/news/2011/11/saudi-arabia-lengthy-sentences-reformists-worrying-development/>

royal decree, the Supreme Judicial Council will be headed by the justice minister. The chief justice of the Supreme Court will also be a member.

## **Major Areas of Law**

### **Constitutional Law**

Saudi Arabia is an absolute monarchy, and has no legally binding written constitution. However, in 1992, the Basic Law of Saudi Arabia was adopted by royal decree. The Basic Law outlines the responsibilities and processes of the governing institutions but is insufficiently specific to be considered a constitution. It declares that the king must comply with Sharia (that is, Islamic law) and that the Quran and the Sunna (the traditions of Muhammad) are the country's constitution. Interpretation of the Quran and the Sunna remains necessary, and this is carried out by the ulema, the Saudi religious establishment.

The Basic Law further states:

*Monarchy is the system of rule in the Kingdom of Saudi Arabia. Rulers of the country shall be from amongst the sons of the founder King Abdul-Aziz bin Abdulrahman Al-Faisal Al-Saud, and their descendants. The most upright among them shall receive allegiance according to Almighty God's Book and His Messenger's Sunna (Traditions)...Government in the Kingdom of Saudi Arabia derives its authority from the Book of God and the Sunna of the Prophet (PBUH), which are the ultimate sources of reference for this Law and the other laws of the State...Governance in the Kingdom of Saudi Arabia is based on justice, shura (consultation) and equality according to Islamic Sharia.<sup>9</sup>*

### **Criminal law**

Saudi Arabia uses the bench trial system. Its courts observe few formalities. The country's first criminal procedure code was introduced in 2001 and contains provisions borrowed from Egyptian and French law. Human Rights Watch, in a 2008 report, noted that judges were either ignorant of the criminal procedure code or were aware of it but routinely ignored the code. Criminal law is governed by Sharia and comprises three categories: Hudud (fixed Quranic punishments for specific crimes), Qisas (*eye-for-an-eye* retaliatory punishments), and Tazir, a general category. Hudud crimes are the most serious and include theft, robbery, blasphemy, apostasy, adultery, sodomy and fornication. Qisas crimes include murder or any crime involving bodily harm. Tazir represents most cases, many

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<sup>9</sup> [https://web.archive.org/web/20140323165604/http://www.saudiembassy.net/about/country-information/laws/The\\_Basic\\_Law\\_Of\\_Governance.aspx](https://web.archive.org/web/20140323165604/http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx)

of which are defined by national regulations such as bribery, trafficking, and drug abuse. The most common punishment for a Tazir offence is lashing.

A conviction requires proof in one of three ways. The first is an un-coerced confession. Alternatively, the testimony of two male witnesses can convict (four in the case of adultery), unless it is a hudud crime, in which case a confession is also required. Women's evidence normally carries half the weight of men in Sharia courts, however in criminal trials women's testimony is not allowed at all. Testimony from non-Muslims or Muslims whose doctrines are considered unacceptable (for example, Shia) may be discounted. Lastly, an affirmation or denial by oath can be required. Giving an oath is taken particularly seriously in a religious society such as Saudi Arabia's, and a refusal to take an oath will be taken as an admission of guilt resulting in conviction.

The Saudi courts impose a number of severe physical punishments. The death penalty can be imposed for a wide range of offences including murder, rape, armed robbery, repeated drug use, apostasy, adultery, witchcraft and sorcery and can be carried out by beheading with a sword, stoning or firing squad, followed by crucifixion. The 345 reported executions between 2007 and 2010 were all carried out by public beheading. Two executions for "witchcraft and sorcery" were carried out in 2011. There were no reports of stoning between 2007 and 2010. Stoning has, however, occurred relatively recently and, for example, between 1981 and 1992 there were four cases of execution by stoning reported.

Although repeated theft can be punishable by amputation of the right hand and aggravated theft by the cross-amputation of a hand and a foot, only one instance of judicial amputation was reported between 2007 and 2010. Homosexual acts are punishable by flogging, imprisonment or death. Lashings are a common form of punishment and are often imposed for offences against religion and public morality such as drinking alcohol and neglect of prayer and fasting obligations.

Retaliatory punishments, or Qisas, are practised: for instance, an eye can be surgically removed at the insistence of a victim who lost his own eye. Families of someone unlawfully killed can choose between demanding the death penalty or granting clemency in return for a payment of diyya, or blood money, by the perpetrator. There has been a growing trend of exorbitant blood-money demands, for example a sum of \$11 million was reported as being recently demanded. Saudi officials and religious figures have criticized this trend and said that the practise of diyya has become corrupted.

## **Family law**

Laws relating to marriage, divorce, children and inheritance are not codified and fall within the general jurisdiction of the Sharia courts. Polygamy is permitted for men but is limited to four wives at any one time. There is evidence that its practice has increased, particularly among the educated Hejazi elite, as a result of oil wealth. The government has promoted polygamy as part of a return to "Islamic values" program. In 2001, the Grand Mufti (the highest religious authority) issued a fatwa, or opinion, calling upon Saudi women to accept polygamy as part of the *Islamic package* and declaring that polygamy was necessary "to fight against...the growing epidemic of spinsterhood". There is no minimum age for marriage in Saudi Arabia and the Grand Mufti reportedly said in 2009 that girls of the age of 10 or 12 were marriageable<sup>10</sup>.

Men have a unilateral right to divorce their wives (talaq) without needing any legal justification. The divorce is effective immediately. The husband's obligation is then to provide financial support for the divorced wife for a period of four months and ten days. A woman can only obtain a divorce with the consent of her husband or judicially if her husband has harmed her. In practice, it is very difficult for a Saudi woman to obtain a judicial divorce. The divorce rate is high, with 50% of marriages being dissolved. In the event of divorce, fathers have automatic custody of sons from the age of 7 and daughters from the age of 9. The right for men to marry up to four wives, combined with their ability to divorce a wife at any time without cause, can translate to unlimited polygamy. King Abdul Aziz, the founder of the country, reportedly admitted to marrying over two hundred women. However, his polygamy was considered extraordinary even by Saudi Arabian standards. With regard to the law of inheritance, the Quran specifies that fixed portions of the deceased's estate must be left to the so-called *Quranic heirs*. Generally, female heirs receive half the portion of male heirs. A Sunni Muslim can bequeath a maximum of a third of his property to non-Quranic heirs. The residue is divided between agnatic heirs.

## **Legal Aid in Saudi Arabia**

The provision of pro bono legal services is currently not as institutionalized in the Kingdom of Saudi Arabia ("Saudi Arabia") as it is in many western jurisdictions. Whilst the Ministry of Justice (the "MoJ") is planning to make it obligatory for lawyers to provide free legal services to low-income

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<sup>10</sup> Otto, Jan Michiel (2010). *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. pg. no. 164.

members of the public, Saudi Arabia does not currently regulate, nor does it expressly mandate the provision of legal aid by lawyers practicing in Saudi Arabia. Notwithstanding the lack of formal regulation, attorneys practicing in Saudi Arabia at times enter into ad hoc arrangements with local governmental agencies and non-profit organizations to provide pro bono legal services. This chapter sets out the current state of pro bono practice in Saudi Arabia through a description of the regulatory framework of the legal profession and the judicial system and addresses the potential changes and opportunities in pro bono practice.

Under the current legal framework in Saudi Arabia, there are no laws that expressly provide for legal aid or that mandate the provision of legal aid by lawyers and law firms practicing in Saudi Arabia. However, we understand that a new regulation is being proposed by the MoJ to establish the “Attorneys’ Authority”. This new regulation is expected to include mandatory provisions on legal aid that are expected to apply to all lawyers practicing in Saudi Arabia. Despite the absence of an express provision of legal aid in Saudi Arabia, the MoJ has developed an unofficial process by virtue of which the MoJ receives requests from courts on behalf of individuals unable to afford lawyers’ fees and puts them in contact with lawyers willing to render free legal services from the list of practicing lawyers maintained by the MoJ. The MoJ is also often approached by the National Society for Human Rights (the “NSHR”), which is a human rights organization associated with and funded by the Saudi government and the Commission on behalf of disadvantaged groups of individuals seeking legal aid. In other instances the MoJ has developed a common practice to retain and pay lawyers to plead on behalf of Saudi individuals convicted of terrorism or state security crimes. Moreover, the Commission and NSHR entered into a memorandum of understanding on 13/01/1429 H. (corresponding to 22/01/2008 G.) by which the Commission has agreed to nominate a certain number of lawyers to represent and provide free legal assistance to individuals who seek the help of NSHR on human rights issues. Pursuant to the Arab Charter on Human Rights, members of the League of Arab States who have ratified such Charter (“Arab Charter States”), including Saudi Arabia, commit to provide adequate help to individuals without enough financial resources to defend their rights by ensuring proper legal aid.

Arab Charter States also commit to grant each person charged with a criminal offense the right to have free legal assistance through a defense lawyer, if that person cannot defend himself or herself, or if the interests of justice so require. Although Saudi Arabia is an Arab Charter State, the provisions of the Arab Charter on Human Rights are yet to be fully implemented in Saudi Arabia. Also, the Riyadh Arab Convention for Judicial Cooperation, to which Saudi Arabia is a signatory, grants nationals of

each signatory state the right for free legal assistance within the borders of each other signatory state in the same manner as its own nationals and in accordance with law in force therein. Saudi Arabia has also promulgated a number of bilateral treaties by virtue of which a right to legal aid is granted to the citizens of both signatory countries in civil, commercial, criminal and domestic relations cases. Among those signatory countries are Kazakhstan, Sudan and Yemen. While Saudi Arabia does not yet have an established and formalized pro bono culture, individual attorneys in Saudi Arabia often provide pro bono services on an informal basis. Such participation is typically seen via private practice law firms or through individual collaboration with non-governmental organizations either directly or via referral organizations such as TrustLaw, an affiliate of the Thomson Reuters Foundation. As the legal profession continues to mature in Saudi Arabia, it is expected that pro bono services will become more institutionalized and better regulated.

## **CONCLUSION**

In conclusion, I would like to say that while the legal system of UAE is a little liberal taking into consideration the legal system of the other countries in the Arab World. It is also one of the few countries to have a written constitution and a federal advisory council. But, there are a few issues that need to be addressed in the legal system of the UAE. Firstly, there are separate courts of first instance in each emirate and also there is a system of dual courts in the country i.e. sharia courts and civil courts. It makes the system complex because these courts are operating in parallel therefore complicating the process Also since UAE is a federation of emirates, each emirate has their own legal system which is mostly in common. Therefore, when differences are identified, the complexities are unavoidable and therefore act as a repelling force to foreign investments and development projects.

In Saudi Arabia the scenario is a little different. Even though all the Arab countries follow sharia law, the legal system of Saudi Arabia draws stronger references from the sources of Islamic law such as the holy Quran and the writings of the various prophets. The international community has strongly criticized the criminal punishments meted out by the Law enforcement system in Saudi Arabia. This is mainly because the Sharia, as applied by Saudi courts, is uncodified and because judges are not bound by judicial precedent, the scope and content of the law is uncertain. This uncertainty is often followed by punishments which are considered inhumane such as amputation of the right hand for theft, imprisonment or death for acts of homosexuality or retaliatory punishments (e.g.-like the surgical removal of an eye at the insistence of the victim who lost his own eye), etc. These allegations have not been fully accepted by Saudi Arabia and only time will tell whether these laws will become

more progressive in the eyes of the international community and whether the legal systems will go through more reforms or not.

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