

# COURTS

ECHO



## Legislative Protection of

**Nafis**

Program from  
the Phenomenon  
of Fictitious Emiratization

Issue  
File

**Clarifying the Concepts  
of Promotion, Trafficking,  
and Facilitation in Narcotics Law**  
Analytical and Judicial Study

**A Reading  
in the Mandatory Rules  
of Certain Provisions  
of the UAE Personal Status Law**

**The Legal Nature of Khul'**  
According to Personal Status  
Law No. 41 of 2024

**The Legal Nature  
of  
Employment Contract**  
According to UAE  
Labor Relations  
Law No. 33 of 2021





محاكم دبي  
DUBAI COURTS



Dubai Courts congratulate the UAE  
Government and people on its national day



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روح الاتحاد  
SPIRIT OF THE UNION  
اليوم الوطني  
NATIONAL DAY  
الإمارات العربية المتحدة  
UNITED ARAB EMIRATES



**Professor  
Saif Ghanim Alsuwaidi  
Director of Dubai Courts**

## Dubai is a Global City of Justice and Humanity

With each new issue of “Courts Echo Magazine”, our commitment at Dubai Courts is renewed to advancing the journey of sustainable justice and reinforcing the values of leadership and innovation within our judicial system. This reflects the wise vision of our honourable leadership in building fully integrated judicial institutions that align with Dubai’s ambition to be a global hub for justice and humanitarian excellence.

The judicial experience in Dubai has become a leading model in the region and worldwide, thanks to continuous development strategies that place the stakeholder at the center of improvement efforts. These strategies embrace digital transformation and smart technologies as core pillars to enhance operational efficiency, expedite litigation procedures, and ensure effective justice.

This magazine continues our efforts to document the distinctive achievements of Dubai Courts, highlighting the key milestones that reinforce the courts’ commitment to delivering an exceptional and seamless user experience while ensuring justice with transparency. It also serves as a knowledge platform dedicated to raising legal awareness and fostering a culture of justice within society, reflecting the vital role of institutional media in supporting transparency and strengthening trust between stakeholders and judicial institutions.

The consecutive successes achieved by Dubai Courts are the result of the dedicated teamwork and sincere efforts across all sectors, reflecting their commitment to translating our motto, “Leadership and Judicial Excellence for a Global City”, into tangible reality through every service, initiative, and accomplishment.

In conclusion, we hope that this issue provides valuable insights that enrich legal knowledge and serves simultaneously as both a reference and a source of inspiration. We extend our sincere appreciation to all the unknown heroes who contributed to the success of previous issues of “Courts Echo Magazine”, as well as to the editorial team members who strive tirelessly to capture the achievements of Dubai Courts in words whose resonance reaches all readers.

**To Begin with**



### Issue 9 - September 2025

A Semi-Annual Journal Specializing in Publishing Judicial and Legal Topics.

It aims to promote knowledge exchange in the field of the judiciary and court administration.

Published by:



### Vision

We seek to be the first choice for the elite.

### Objectives

- Enhancing the dissemination of knowledge in the judicial and court administration field.
- Attracting specialists in judicial, legal and administrative matters that are related to the management and services of the courts.
- Following up and commenting on the trends and judicial ruling, both locally and internationally.
- Cementing the relationship between theory and jurisprudence and the practical reality and judicial application.

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The articles, studies and opinions are a reflection of the point of views of their authors and do not necessarily express the opinion of the Magazine and its administrators.



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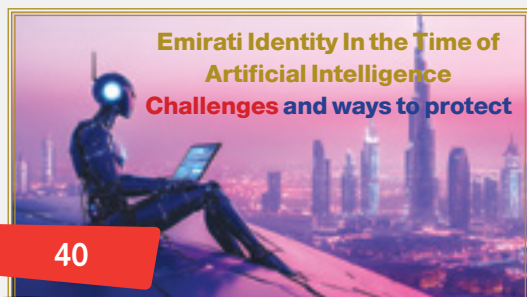
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## Mohammed bin Rashid

### issues the law establishing the Dubai Centre for Judicial Expertise

His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the United Arab Emirates and Ruler of Dubai, May Allah protect him, has issued a Law establishing the Dubai Center for Judicial Expertise as a public institution affiliated with the Judicial Council in Dubai. The Center is granted legal personality with the aim of facilitating and regulating work that requires domain experts to present findings before judicial authorities, thereby enhancing the efficiency of such work in line with international best practices.

The Center aims to support judicial authorities in Dubai by engaging qualified experts from both within the UAE and abroad. It also aims to enhance the quality and efficiency of expert reports, thereby contributing to accurate rulings and expedited case resolution. In addition, the Center will help develop national experts specialized in specific fields of

expertise.

Moreover, the Center establishes unified standards and procedures for appointing, supervising, and evaluating experts, as well as forging local and international partnerships to share knowledge and experience – ultimately strengthening litigants' confidence in the expert insights submitted to judicial authorities.

In this context, His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, First Deputy Ruler of Dubai, Deputy Prime Minister, Minister of Finance, and Chairman of the Judicial Council in Dubai, said, "With the vision and guidance of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the United Arab Emirates and Ruler of Dubai, May Allah protect him, Dubai continues to develop its judicial system and enhance it with expertise and specialized cadres, so



that it remains responsive to evolving changes and developments – thereby reinforcing trust in Dubai's judiciary and its integrity, and strengthening the emirate's position as a preferred destination for living, working, and investing.

His Highness added, "The establishment of the Dubai Center for Judicial Expertise is a qualitative addition to strengthening the justice system in the emirate. This Center will serve as a trusted platform for providing high-quality technical expertise and a fundamental pillar in enhancing the efficiency of the judicial system and expediting litigation procedures in a way that ensures the protection of rights and the reinforcement of the principles of transparency and integrity."

His Highness also posted on his account on the platform "X": "With the vision and guidance of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the United Arab Emirates and Ruler of Dubai, May Allah protect him, We continue to develop Dubai's judicial system and enhance it with expertise and specialized cadres, so that it remains responsive to evolving changes and developments.

The establishment of the Dubai Center for Judicial Expertise represents a qualitative addition to strengthening the justice system in Dubai. It aims to enhance the mechanisms governing expert work by supporting judicial authorities with qualified experts from both within the UAE and abroad, in accordance with unified standards for their appointment, supervision, and performance evaluation. Through this Centre, we will also improve the quality and efficiency of expert reports.

Through the Dubai Centre for Judicial Expertise, we will reinforce the accuracy of judgments and expedite case resolution. We will develop specialized national cadres and continue to strengthen trust in Dubai's

judiciary—ensuring it remains the emirate's position as a preferred destination for living, working, and investing."

### **Standardizing Procedures**

His Excellency Dr. Saif Ghanem Al Suwaidi, Director General of Dubai Courts, affirmed that the new law will enable the standardization of procedures and the development of proven mechanisms to engage domain expertise relevant to legal cases.

He explained that the Center will serve to enhance the quality of technical reports by attracting a select group of distinguished experts and deploying advanced technological systems for electronic integration with judicial authorities and experts.

It will also invest in training and qualifying national cadres capable of efficiently and professionally meeting the requirements of the justice system, emphasizing that establishing the Center marks a key step in enhancing the quality of judicial work in the emirate and supporting swift justice.

His Excellency Dr. Al Suwaidi added: "Dubai Courts, under the supervision of His Highness the Chairman of the Judicial Council, is keen to maximize the use of available resources to improve judicial services in line with the vision of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the United Arab Emirates and Ruler of Dubai, May Allah protect him, to establish Dubai as a trusted destination for litigation."

Dr. Abdullah Saif Al Sabousi, Secretary-General of the Dubai Judicial Council, noted that the establishment of the Dubai Center for Judicial Expertise represents one of the key developmental pillars within the technical expertise system serving judicial authorities in Dubai, as previously directed by His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, First Deputy Ruler of Dubai, Deputy Prime Minister, Minister of Finance, and



Chairman of the Judicial Council in Dubai. He emphasized that the Center's establishment is a pivotal move in enhancing the legislative and regulatory framework governing the work of domain experts within the judicial system in Dubai, aligning with the rapidly growing needs for expert evaluation in the context of judicial services.

#### **Governance and Implementation Framework**

The Center will be governed by a Board of Directors chaired by the Director-General of Dubai Courts. It will include members representing both judicial and non-judicial entities with relevant expertise in this area. It will also include an executive body led by an executive director who will oversee the implementation of strategic plans and programs. Additionally, the law stipulates the formation of a Steering Committee to oversee the transfer of competencies and resources from the Dubai Courts and the Rental Disputes Center to the new Center during a designated transitional period.

#### **Mechanism for Appointing Experts**

Under the adopted mechanism, the Center will receive expert appointment requests from judicial authorities and assign the appropriate specialists based on the required task, either from amongst its in-house experts or from amongst private sector experts listed in the official registry. The Center may also utilize experts from government entities for specific assignments or engage global expert institutions where needed.

The Center will also be responsible for building an integrated legislative framework governing expert work before judicial authorities in the emirate. This ensures the accuracy of expert reports and reinforces litigants' confidence in the expertise system.

The establishment of the Dubai Center for Judicial Expertise reflects the leadership's commitment to adopting innovative institutional solutions that enhance judicial efficiency and support Dubai's vision of becoming one of the best cities globally in terms of quality of life and the rule of law.



# Mohammed bin Rashid

## Issues Law on Settlement of Disputes Arising from Implementation of Emiratis Housing Construction Contracts in the Emirate of Dubai

His Highness Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE, may God protect him, in his capacity as Ruler of the Emirate of Dubai, has issued the Law on Settlement of Disputes Arising from Implementation of Emiratis Housing Construction Contracts in the Emirate of Dubai, with the objective of enhancing Emiratis welfare and ensuring their social stability. This law represents a qualitative step toward resolving disputes that may arise during the implementation of construction projects swiftly and efficiently without affecting the development trajectory of housing projects.

The law aims to develop an alternative system for settling disputes that may arise between parties to construction contracts, in a manner that ensures the preservation of the interests of all parties, and to establish a swift and effective mechanism for settling and resolving disputes arising from the implementation of construction contracts before resorting to litigation, in addition to contributing to enhancing the continuity of contractual relationships



between parties to construction contracts by settling disputes that arise between them through amicable and consensual methods in a manner that ensures the completion of implementation of these contracts, as well as creating alternative solutions to litigation in the construction and contracting sector for Emiratis housing in the Emirate of Dubai, in a manner that ensures non-interference with project continuity and the completion and delivery of houses within their specified timeframes in construction contracts.

### Rules for Considering and Adjudicating Disputes Under the New Mechanism :

Under the mechanism established by the law, a branch of the Amicable Settlement of Disputes Center at Dubai Courts will be established, specializing in considering and adjudicating all disputes arising from

the implementation of Emiratis housing construction contracts where the owner is one of the parties.

The branch shall, in accordance with the provisions of the law, offer conciliation and amicable settlement of disputes between parties within a period not exceeding twenty (20) days, with the possibility of extending for a similar period if the parties to the dispute agree thereto, provided that the branch is established in an independent headquarters with integrated services, and that the conciliation process is conducted by conciliators with expertise in fields related to construction disputes, whether from governmental or non-governmental entities.

In the event that conciliation is unsuccessful, the dispute shall be referred to a committee composed of one judge and two specialized experts, provided that the dispute is adjudicated within thirty (30) days, extendable for a similar period when necessary and by decision of the committee chairman. Parties may challenge the committee's decision before the Court of First Instance within thirty (30) days commencing from the date of issuance hereof.

The Law on Settlement of Disputes Arising from Implementation of Emiratis Housing Construction Contracts in the Emirate of Dubai shall enter into force on 1 January, 2026.

## آلية النظر والفصل في المنازعات:

- إنشاء فرع بمقر مستقل لمركز التسوية الودية للمنازعات يختص بجميع المنازعات الناشئة عن تنفيذ عقود بناء منازل المواطنين
- عرض الصلح والتسوية الودية خلال 20 يوماً قابلة للتمديد لمدة مماثلة بموافقة الأطراف
- في حال عدم نجاح الصلح يُحال النزاع إلى لجنة تضم قاضياً وخبرين متخصصين للفصل فيه خلال 30 يوماً قابلة للتمديد لمدة مماثلة
- يمكن للأطراف الطعن أمام المحكمة الابتدائية خلال 30 يوماً من صدور القرار

القانون يدخل حيز التنفيذ في 1 يناير 2026  
لتعزيز استقرار قطاع البناء وضمان حقوق المواطنين





## Maktoum bin Mohammed

### Launches the Annual Report of the Judiciary in the Emirate of Dubai for the Year 2024

His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, First Deputy Ruler of Dubai, Deputy Prime Minister, Minister of Finance, and Chairman of the Judicial Council in the Emirate of Dubai, launched the Annual Report of the Judiciary in Dubai for the year 2024. The report reflects the performance trends of judicial authorities in Dubai, as well as the progress achieved in their operations,

indicators, and services, thereby contributing to the development of policies and strategies that support and enhance the judiciary.

His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum affirmed that the development of the judicial system in the Emirate of Dubai will remain at the forefront of our priorities and plans, in implementation of the vision and directives of His Highness

Sheikh Mohammed bin Rashid Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai, may Allah protect him, which aim to consolidate Dubai's position as a global model in achieving swift justice and upholding the rule of law.

His Highness added: "The launch of the Annual Report, which compiles data from the judicial authorities in the Emirate of Dubai into a comprehensive report for the third consecutive year, embodies a commitment to transparency and a dedication to assessing the integrated efforts of judicial authorities. The high performance indicators shown in the report reflect the efficiency of the judicial system and support efforts to establish a more advanced and effective judicial system capable of keeping pace with Dubai's future ambitions and strengthening its leadership globally".

For his part, H.E. Dr. Abdullah Saif Al Sabousi, Secretary General of the Judicial Council, stated that the judicial authorities in the Emirate of Dubai, represented by Dubai Courts, the Public Prosecution, and the Judicial Inspection Authority, work continuously and comprehensively, under the direct supervision of His Highness the Chairman of the Judicial Council, to achieve the highest standards of accuracy and quality in judicial arena.

He noted that the annual reports issued by the judiciary serve as a transparent tool reflecting the outcomes of the judicial system, as well as a means to further develop the system and address any challenges it may encounter. This contributes to the fulfillment of the directives of

His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, First Deputy Ruler of Dubai, Deputy Prime Minister, Minister of Finance, and Chairman of the Judicial Council in Dubai, in establishing standards of governance, ensuring swift justice, and strengthening public confidence in the judicial system of the Emirate.

### **Developmental Achievements**

The report highlighted the developmental achievements of the judicial authorities, such as the adoption of career pathways for judges, the launch of the electronic service system for members of the judiciary and the Judicial Inspection Authority, and the approval of the Judicial Inspection Authority's Strategy 2024–2026.

The 2024 Annual Report of the Judiciary also showed that the Judicial Council of the Emirate issued (84) regulatory resolutions concerning judicial affairs and its members, in addition to (50) legislations regulating judicial activities, thereby supporting the governance of the judicial sector in Dubai. Furthermore, the report reflected that the General Secretariat of the Judicial Council completed (39) developmental studies on services, projects, and legislations related to judicial affairs, which led to the adoption of numerous developmental projects enhancing judicial operations.

In 2024, Dubai Courts published 19,329 judicial judgments, held 21,091 remote hearings, and conducted 9,672 investigations through visual communication tools. The Public Prosecution issued 41,457 smart penal judgments and processed 9,189 smart bail requests. Moreover,



Dubai Courts completed 1,518,620 smart service applications compared to 856,472 applications in 2023, reflecting the public growing adoption of the smart services provided by the judicial authorities in Dubai.

The report shows an increase in the number of appointed members of the judiciary, reaching 429 by the end of 2024 compared to 366 in 2023, marking a 17% growth aimed at ensuring faster resolution of cases without compromising accuracy and quality. The number of training hours delivered to members of the judiciary reached 978 hours, benefiting 385 participants by the end of 2024, reflecting the focus on enhancing judicial capabilities.

Dubai Courts' data further indicated that the value of settlements in cases and applications by the end of 2024 amounted to AED 36.2 billion — an increase of over AED 25 billion compared to the previous year. The number of civil cases resolved before the Courts of First Instance reached 26,530, representing 97.58% of the total registered cases before these courts.

According to the report, the value of auction sale proceeds reached AED 2.4 billion, compared to approximately AED 2 billion in 2023. The results also highlighted an improvement in the accuracy of judgments and the upholding rate of judgments issued by the Courts of First Instance, with accuracy reaching 85% of all adjudicated cases compared to 84% in 2023.

The average duration for issuing judgments from the first hearing before the Courts of Appeal decreased by 19%, accompanied by a reduction in the duration from the date of registration, from 125 days in 2023 to 113 days in 2024.

Similarly, the average duration for issuing judgments from the first hearing before the Court of Cassation decreased by 9%, with the duration from the date of registration dropping from 79 days in 2023 to 71 days in 2024.

In terms of enforcement of judgments, Dubai Courts' data show that the number of enforcement requests handled in 2024 reached 1,288,191 compared to 884,549 in 2023, with a 100% completion rate. Moreover, the amounts



collected in enforcement cases increased by approximately AED 1.5 billion, reaching AED 9.3 billion by the end of 2024, compared to AED 7.8 billion in 2023.

The value of amounts paid to those in need through civil enforcement cases under Dubai Courts' Goodwill Courts initiative reached AED 60.3 million, marking an increase of

approximately 36.5% compared to 2023.

The Annual Report further revealed that the number of non-penal cases in which the Public Prosecution intervened by the end of 2024 amounted to 1,031, underscoring its positive role in such cases. During 2024, the Public Prosecution handled 40,894 criminal cases, representing about 88.3% of the total cases received that year. In the area of protecting rights





and freedoms, the Prosecution achieved a 95.7% rate in executing criminal judgments within the designated timeframe, an 85.1% completion rate in the investigation and disposition of criminal cases, and an accuracy rate of 94.1% in investigations and indictments.

With regard to the oversight role of the Judicial Inspection Authority, the report indicated an acceleration in its supervisory activities following the adoption of its 2024–2026 Strategy. The number of inspection reports on members of the judiciary increased from 579 in 2023 to 708 in 2024, reflecting an 18% growth. The Authority also processed 250 complaints related to judicial

work.

It is noteworthy that the Judicial Council in Dubai aims to uphold the principles of justice, equality, and the rule of law, while contributing to sustainable development in the Emirate by ensuring a fair, impartial, advanced, and effective judiciary. The Council also seeks to implement the Emirate's vision and strategic objectives in developing the justice sector, ensuring judicial independence and development, while reinforcing the values, ethics, and integrity of judicial work and safeguarding the dignity, impartiality, and competence of members of the judiciary.

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**Our Goal is to invest in qualified  
national talent to strengthen  
our judicial system**

“

**His Highness Sheikh**

**Maktoum bin Mohammed bin Rashid Al Maktoum**

**First Deputy Ruler of Dubai, Deputy Prime Minister and Minister of Finance  
Chairman of the Judicial Council in Dubai**



# Maktoum bin Mohammed

## Approves the new strategic plan for Dubai Courts 2025 - 2029

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The strategic plan embodies the vision and directives of Mohammed bin Rashid in establishing Dubai as a global model for advanced and effective justice.

**Maktoum bin Mohammed**

“



His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, First Deputy Ruler of Dubai, Deputy Prime Minister, Minister of Finance, and Chairman of the Judicial Council in Dubai, approves the new strategic plan for Dubai Courts 2025 - 2029 to establish an efficient justice system and enhance Dubai's global leadership in the judiciary.

His Highness praises the efforts of the plan's working teams and stresses the importance of developing the alternative dispute resolution system to enhance Dubai's position as a preferred destination for alternative dispute resolution.

Highlights of the new strategic plan for Dubai Courts:

- **Vision:** Providing leadership and judicial justice for a global city.
- **Mission:** Achieving efficient justice through an integrated judicial system and innovative services available to all, thus enhancing Dubai's global reputation for fairness and integrity.
- **Values:** Justice, judicial independence, integrity, flexibility, and integration
- 3 strategic impact indicators, 27 strategic performance indicators, and 42 strategic initiatives and projects.

The strategic plan also includes 4 main pillars:

- **Leading judicial performance**
- **Integrated judicial services**
- **Future-ready institutional capabilities**

## • **An advanced digital judicial system**

### **An innovative judicial system**

His Highness Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum stated that the new strategic plan for the Dubai Courts embodies the vision and directives of His Highness Sheikh Mo-hammed bin Rashid Al Maktoum (may God protect him), Vice President and Prime Minister of the UAE and Ruler of Dubai, to establish Dubai as a global model for a modern and efficient justice system, thus contributing to making the emirate the best place to live in the world. His Highness emphasized that the plan focuses on developing an innovative judicial system that keeps pace with global developments and future aspirations, efficiently and promptly meeting the needs of litigants. This ensures the achievement of prompt justice and strengthens the rule of law among members of society.

His Highness praised the efforts of the working teams at the Dubai Courts who successfully implemented the strategic plan, emphasized the importance of continuously improving performance and enhancing service quality by adopting the latest technologies and artificial intelligence to enhance Dubai's leadership in litigation procedures and judgment enforcement, in accordance with best practices, and developing the alternative litigation system and creating a stimulating environment for it, to consolidate Dubai's position as a preferred



destination for alternative dispute resolution solutions, ensuring the provision of multiple options for clients.

### **Vision, Mission, and Values**

The new strategic plan defines the vision of the Dubai Courts to provide leadership judicial services and uphold justice in a global city. The plan's mission focuses on achieving efficient justice through an integrated judicial system and innovative services accessible to all, thereby enhancing global confidence in Dubai. The plan is also based on core values that include justice, judicial independence, integrity, flexibility, and integration, to ensure a transparent and fair legal environment that supports the process of development and prosperity.

### **Rule of law and trust in the judiciary**

The strategic plan for Dubai courts is based on consolidating the rule of law and enhancing confidence in the judiciary, as this is the foundation for achieving prompt justice and ensuring societal stability. It is supported by three strategic impact indicators, 27 strategic performance indicators, and 42 strategic initiatives and projects.

The strategic plan for the Dubai Courts is based on four main pillars: achieving leading judicial performance through improving the systems and procedures for case preparation and management; enhancing judicial processes

to increase the efficiency of case resolution and the quality of judgments; improving the efficiency of enforcement procedures; in addition to supporting the proactiveness and flexibility of laws and regulations related to judicial procedures.

The second pillar, which focuses on integrated judicial services, aims to enhance the customer experience by providing proactive judicial services that are easily accessible, facilitating alternative dispute resolution systems to ensure fair and rapid justice, and leveraging the role of influential partnerships to promote an integrated judicial system.

The third pillar focuses on building future-ready institutional capabilities, emphasizing the recruitment and development of specialized and competent judicial and administrative staff, fostering a pioneering, innovative, and entrepreneurial environment, and ensuring effective governance and institutional sustainability.

The fourth pillar, which focuses on an advanced digital judicial system, emphasizes developing a robust digital infrastructure and integrated systems, leveraging artificial intelligence and modern technologies, and optimizing the use of data.

### **Technical and legislative solutions**

In this context, His Excellency Dr. Saif Ghanem Al Suwaidi, Director-General of Dubai Courts,

said,

"The world today is changing rapidly and facing unprecedented challenges at various levels, which require us in Dubai Courts to be at the forefront of global advancements in the judicial system. We fully recognize that the rapid changes occurring in the world, whether in the legislative or technological field, require us to respond quickly and innovate sustainable solutions that meet the requirements of modern society."

Al Suwaidi added, "The Dubai Courts team worked on developing this strategic plan for an entire year, focusing on providing integrated solutions that keep pace with global advancements and enhance the efficiency of the judicial system. In developing the plan, we relied on the latest technological and legal solutions. We leveraged artificial intelligence and modern technologies to improve judicial performance and ensure the delivery of prompt justice efficiently and flexibly."

He continued, "The work to develop and improve the judicial system is ongoing; it is a continuous process that shall keep pace with the aspirations and growing needs of society. Therefore, we strive to create an innovative judicial environment that provides high-quality services and efficient performance, reflecting our commitment to achieving effective justice that protects individual rights and supports social stability."

Al Suwaidi pointed out that this strategy, along with its mission and values, represents an important step towards achieving Dubai's vision as a global example of judicial justice, and it places us before a great responsibility to move forward in a way that enhances the position of Dubai courts on the global stage.

Keeping pace with legislative and technological developments

The Dubai Courts Strategic Plan 2025-2029 represents a pivotal step towards strengthening Dubai's role as a global center for judicial justice. It is an explicit confirmation of Dubai's commitment to developing a pioneering judicial system that not only keeps pace with legislative and technological developments, but also looks forward to continuous innovation to ensure the acceleration of judicial procedures and the achievement of complete justice with high efficiency.

**Through this plan, the Dubai Courts are developing a model that combines efficiency and speed, seamlessly integrating digital transformation with established judicial principles, in addition to relying on artificial intelligence and modern technologies, which enhances the ability of the judicial system to provide innovative and rapid solutions to cases, which contributes to providing a flexible and fair legal environment that meets the needs of individuals and society.**



## Dubai Courts

### Wins Three International Awards at the GovMedia Awards in Singapore

Dubai Courts participated in the GovMedia Awards held in Singapore with a research paper that highlighted three pioneering initiatives aimed at empowering the community and enhancing legal awareness across diverse social segments. This participation comes as part of its commitment to strengthening its international institutional presence and sharing its pioneering experiences.

The paper was presented under the title: “From Litigation to Community Empowerment: The Experience of Dubai Courts,” and highlighted three distinctive initiatives: “Happy Family “Wadeema – The Illustrated Child Law”, and the “Stay Legal” initiative. Together, these initiatives embody the philosophy of “Preventive Justice,” which aims to reduce disputes through early education and the dissemination of legal





awareness within the community.

This contribution was crowned with three prestigious awards at the GovMedia ceremony in Singapore, recognizing Dubai Courts' pioneering efforts in promoting justice and community engagement. The Courts were honored with:

The Courts received the following awards: "Campaign of the Year," "Social Justice and Community Inclusion Initiative," and "Best Partner Engagement," all under the Justice category. These honors reflect Dubai Courts' institutional excellence in combining its judicial and social roles.

The awards were received on behalf of Dubai Courts by Ms. Alia Al Majid, Director of Strategy and Corporate Performance Department, during the ceremony held in Singapore, and attended by

a distinguished group of government and public sector representatives from various countries across Asia and the Middle East.

The achievement underscores Dubai Courts' holistic approach in combining judicial and social roles, leveraging media and legal innovation to build a more aware and stable society. The "Happy Family" initiative, in particular, aims to strengthen family cohesion through awareness workshops on rights and obligations, psychological and social support, and partnerships with civil society organizations to provide free consultations, in addition to an "Amicable settlement" mechanism designed to resolve disputes before escalation to litigation. Meanwhile, "Wadeema – The Illustrated Child Law" is the first of its kind globally, delivering legal concepts to children in an engaging, simplified, and interactive way that instills a culture of protection, rights awareness, and safe reporting of violations.

The "Stay Legal" initiative provides the public with simplified, free legal consultations through digital communication channels, thereby enhancing transparency and facilitating easy access to legal information.

It is worth noting that the GovMedia Awards in Singapore are among the world's most prominent honors in the field of government and community communication. The awards are presented annually to recognize outstanding government initiatives that advance transparency, public awareness, and engagement through modern media and digital platforms.



## Dubai Courts Presents Its Notable Achievements in Promoting Judicial Leadership for a Global City

As part of its ambitious vision to solidify Dubai's status as a global hub for justice, Dubai Courts held a media briefing to highlight its most significant achievements over the past year. The media briefing was held under the patronage of His Excellency Professor Dr. Saif Ghanem Al Suwaidi, Director of Dubai Courts, and was

attended by His Excellency Judge Abdulqader Mousa, President of the Court of Cassation; His Excellency Professor Dr. Abdullah Saif Al Subousi, Secretary-General of the Dubai Judicial Council; and His Excellency Judge Omar Miran, Deputy Director of Dubai Courts. Also in attendance were the Presidents of the

courts, members of the Leadership Council for Institutional Development and Innovation, along with a group of media professionals and journalists representing various media organizations.

His Excellency Dr. Saif Ghanem Al Suwaidi stated: "At Dubai Courts, we continue to advance with steady steps toward achieving our ambitious vision to be a leader among global judicial institutions. We believe that justice is the core of a stable society and a key pillar in strengthening the legal environment of the Emirate of Dubai. The achievements made today are a direct outcome of our continuous commitment to developing the judicial system and our reliance on the latest technologies, which contribute to the provision of innovative and effective judicial services. Through a solid strategy, that combines digital transformation, human resource development, and enhanced transparency in all aspects of judicial work, Dubai Courts has achieved tangible success in delivering expedited justice and providing cutting-edge judicial solutions that keep pace with the needs of clients and meet the aspirations of both the local and international community. At Dubai Courts, we are not content to rest on our current achievements. Instead, we look to the future by consistently investing in innovation and leveraging artificial intelligence to create a flexible and precise judicial environment that meets the demands of the modern era. We affirm that developing institutional capabilities and achieving sustainability in the delivery of our services are top priorities to ensure that justice

is delivered with the highest standards of quality and transparency.

The successes of Dubai Courts are rooted in its ambitious vision, "Judicial Leadership and Justice for a Global City." This vision is realized through the provision of high-quality judicial services built on the pillars of expedited justice and judicial independence. These achievements are a tangible manifestation of the court's mission: to "achieve swift justice through an integrated judicial system and innovative services accessible to all, thereby reinforcing global confidence in Dubai.

The Dubai Courts' services lie in a strong set of institutional values: justice, judicial independence, integrity, flexibility, and integration. These principles build trust with stakeholders and reinforce transparency across all processes. Furthermore, Dubai Courts are committed to fostering collaboration with relevant entities to secure timely justice while upholding the highest quality benchmarks. Such initiatives form part of a forward-looking strategy that prioritizes innovation and digital transformation in judicial services, in harmony with the vision of Dubai's leadership.

Through this vision, mission, and values, Dubai Courts emphasize their ongoing commitment to developing their judicial system to meet the aspirations of the local and global community, reflecting Dubai's active role in the field of justice.

The meeting addressed four key themes:

Enhancing Judicial Performance, Quality, and Efficiency – His Excellency Judge Khaled Al Hawasni, President of the Courts of First Instance.



Integrated Judicial Services for Proactivity, Accessibility, and Customer Happiness – Mr. Abdullah Al Raees, Director of the Customer Happiness Department.

Future-ready Institutional Capabilities for Innovation, Sustainability, and Governance – Ms. Alia Al Majed, Director of the Strategy and Institutional Performance Department.

Advanced Judicial Digital Systems with AI Integration – Mr. Abdul Aziz Al Hammadi, Director of the Information Technology Department.

Developing Pioneering Judicial Performance, Quality, and Efficiency.

His Excellency Judge Khaled Al Hawasni, President of the Courts of First Instance, reported that Dubai Courts achieved record judicial performance rates in 2024, with case resolution rates surpassing their targets across all levels of litigation. The Court of Cassation recorded a resolution rate of 112%. It successfully concluded 6,210 cases out of 5,549 registered. Meanwhile, the Courts of First Instance achieved 107%, resolving 61,804 cases out of 57,784 registered. Al Hawasni pointed out that the achievements of Dubai Courts are the result of an integrated strategy to deliver swift justice, founded on two main pillars: speed and accuracy of judgments. The average time for case resolution from the first hearing was notably reduced, reaching 74 days in the Courts of First Instance, 75 days in the Court of Appeal, and 73 days in the Court of Cassation. Furthermore, the accuracy of judgments reached 85% in the Courts of First Instance and 86% in the Court of Appeal. This strategy was bolstered by a sophisticated

electronic system designed to measure the quality of judgments and analyze the reasons behind any amendments.

The courts also launched the "Human-Centered Justice" strategy, which focuses on enhancing the experience of litigants, especially for vulnerable groups, by simplifying procedures and strengthening transparency. In their efforts to mitigate disputes, the courts' amicable settlement centers have achieved remarkable success. The total value of these settlements reached AED 36.3 billion, while the family guidance and reconciliation section achieved a case settlement rate of 74%. The value of settlements for civil, commercial, and real estate disputes specifically amounted to AED 25.6 billion.

In the area of judicial capacity building, 146 training courses were conducted, totaling 11,421 training hours, with 18 judges qualified under the "Judges of Tomorrow" program, alongside the launch of the "Judicial Track" to enhance specialization in judicial work.

Integrated Judicial Services for Productivity, Accessibility and Customer Happiness  
Mr. Abdullah Al Raees, Director of Customer Happiness, highlighted the remarkable performance of Dubai Courts' Call Center over the past year. With 142,926 calls with an average response time of just eight seconds, the center proved its speed and efficiency in serving customers. It also engaged with 41,005 WhatsApp inquiries and 20,331 live chats, leveraging instant communication channels to enrich customer journeys and make information



and services effortlessly accessible. Future-ready Institutional Plans to Ensure Innovation, Sustainability and Corporate Governance.

Ms. Alia Al Majed, Director of the Strategy and Institutional Performance Department, explained that Dubai Courts is adopting an integrated strategy designed to bolster Dubai's status as a global justice hub. This strategy focuses on achieving pioneering judicial performance, delivering integrated judicial services, building future institutional capabilities, and deploying an advanced digital system. In 2024, Dubai Courts secured nine distinguished

awards, including the GDI GINI Award at the Global Innovation Summit for the category of outstanding innovation in the government sector, the International Innovation Awards in Services and Solutions, and the Stevie Gold Award for Sustainability and Social Responsibility. These awards were a result of the court's ambitious initiatives aimed at balancing sustainability with social responsibility.

Advanced Judicial Digital System to Ensure Integration and Investment in Artificial Intelligence.

Mr. Abdul Aziz Al Hammadi, Director of the Information Technology Department, indicated

that Dubai Courts achieved exceptional digital efficiency rates in 2024, with the digital adoption rate for services reaching 99.1%, an unprecedented success in converting judicial services into a fully digital model. In the field of artificial intelligence, 2024 marked the starting point for Dubai Courts' adoption of predictive analysis technologies to pre-emptively anticipate potential disputes, and the development of smart tools to support judges' decisions and automatic case classification systems, which reinforces the accuracy of judgments and the speed of their resolution.

#### **Dubai Courts: Moving confidently towards the future**

The achievements accomplished by Dubai Courts in 2024 are considered the crowning of a long journey marked by dedication and innovation. The courts have successfully built a robust judicial system founded on the principles of justice and integrity. Through these accomplishments, Dubai Courts aims to align with the ambitious national visions of the United Arab Emirates. This effort is guided by the directives of the wise leadership, ensuring the sustainability of judicial development and meeting the aspirations of both the local and international communities.



## **Dubai Courts Wins GDI GINI Award at the Global Innovation Summit for the “IFSAH” Platform**

Dubai Courts won the GDI GINI Award during the Global Innovation Summit, in the category of Outstanding Innovation in the Government Sector, in recognition of its digital platform “IFSAH.” This honor reflects Dubai Courts’ ongoing efforts to harness innovation in developing and enhancing its services in line with community needs and the requirements of sustainable development within the legal sector. The award was received on behalf of Dubai Courts by H.E. Ibrahim Al Hosani, CEO of the Notary Public, Settlement, and Enforcement Sector, in the presence of Ms. Alia Al Majid, Director of Strategy and Corporate Performance Department, and Ms. Maha Al Suwaidi, Head of the Excellence Section.

This award reflects Dubai Courts’ ongoing commitment to achieving excellence by adopting innovative solutions that keep pace with technological advancements and strengthen the efficiency of the judicial system. Through this recognition, Dubai Courts also reaffirms its pioneering role in providing high-quality legal services that meet the aspirations



## Distinguished Innovation by Public Sector



of the community and respond to the needs of the modern era.

In his speech during the ceremony, H.E. Ibrahim Al Hosani emphasized that this recognition reflects Dubai Courts' vision of leveraging technology to facilitate access to justice and enhance transparency in judicial processes. He added that the "IFSAAH" platform represents an important step in the development of judicial services, as it contributes to improving performance and providing an advanced legal environment that meets the needs of the community and promotes sustainability in the judicial sector. This is achieved through the

implementation of innovative solutions that help accelerate judicial procedures, strengthen transparency and efficiency, and ultimately improve judicial services while making access to justice easier for all members of society.

Al Hosani further highlighted that "IFSAAH" stands as a living model of innovation in judicial work, enabling judges with easy and transparent access to legal information. He further stressed that this platform represents an important step toward improving the judicial system, as it helps facilitate access to legal data and offers innovative services that contribute to expediting procedures and ensuring justice.

# The Legal Nature of Employment Contract

## According to UAE Labor Relations

### Law No. 33 of 2021



**Professor Dr. Ali Hadi Al-Obeidi**  
Professor of Civil Law - Al Ain University

An employment contract is an agreement between an employer and an employee, whereby the employee undertakes to work for the employer and under the employer's supervision and instructions, for a salary that the employer undertakes to pay. The legal nature of an employment contract refers to its legal characteristics. We are not in a position to explain these characteristics in full in this article, as they are obvious and do not need further clarification. For example, an employment contract is a reciprocal binding contract for both parties, and it is a specific contract that relates to work and is continuously executed. Rather, we seek to explain some of the characteristics of this contract that may not be clear, and specifically, we seek to answer two questions: Is an employment contract a consensual or formal contract? Is it a binding or non-binding contract? Below, we will attempt to answer these two questions:

Regarding the first question on the nature of the employment contract, whether it is a consensual or formal contract, we first note that a consensual contract is one that is concluded simply by the connection of offer and acceptance, without the need to follow a specific form or deliver the subject matter of the contract. A formal contract is one that is not concluded simply by the acceptance of an offer, but rather requires the following of a specific formality, and failure to do so renders the contract invalid. Contracts are considered consensual unless otherwise stipulated by law or agreement. Now, let us look at the nature of an employment contract according to the provisions of the UAE Labor Relations Law No. 33 of 2021. The first paragraph of Article (8) of this law states: "The employer shall conclude an employment contract with the employee, in accordance with the agreed pattern of work, provided that the contract shall be in duplicate counterparts, one of which shall be retained by the employer and the other shall be delivered to the employee, in accordance with the forms specified in the executive regulations of this decree-law." Article (10) of Cabinet Decision No. (1) of 2022 concerning the executive regulations stipulates that: "... 1- The employment contract shall essentially

contain the name and address of the employer, the name, nationality, and date of birth of the worker, and all the necessary documents to prove his identity, qualifications, job or profession, date of joining the job, place of work, working hours, days off, probation period, if any, duration of the contract, and the agreed salary ... 4- The contract between the employee and the employer shall be based on the agreed type of work in accordance with the contract templates in the Ministry's system, which are: ..." . It is clear from both texts that the employment contract must be in two copies in accordance with the contract forms approved in the Ministry of Human Resources and Emiratization system and must contain specific information. This indicates that the employment contract is a formal contract, and its formality is reflected in the writing and the approved form. However, the second paragraph of Article (8) states that: The employee or his representative may prove the employment contract ... by all means of proof." Does this mean that the employment contract is a consensual contract and not a formal one, because the ruling on a formal contract when the form required by law is not observed is invalid, i.e., it is a contract that is null and void from a legal point of view, and

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**An employment contract is a consensual contract, not a formal one, because the legally required formalities of a formal contract are considered null and void**  
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An unnecessary contract is one in which one or both contracting parties may withdraw from or terminate it without mutual consent or litigation”

therefore its existence cannot be proven by any means of proof. However, if the employment contract is a consensual contract and not a formal one, the legislator should have allowed the employer to also prove this contract by the means of proof established by law, and not restricted this permission to the employee only. Therefore, there are two possibilities regarding this issue: The first possibility is that the legislator considered the employment contract to be a formal contract and not a consensual one due to its importance, but at the same time did not want the employee to be harmed by the invalidity of the contract due to the employer's failure to comply with the legally

prescribed formality, so the legislator allowed him to prove the contract by all means of proof. This provision is a special exception necessitated by the legal protection of the worker's interests. It is an exception because it deviates from the common rules on invalidity, and it is a special provision because it applies to the worker but not to the employer. If the party claiming the existence of the employment contract is the employer, they are not permitted to prove the existence of this contract due to its invalidity. The second possibility is that the legislator considered the employment contract to be a consensual contract and not a formal one, and that the provisions of the first paragraph of Article (8) of the Labor Law and Article (10) of the Executive Regulations are a legal obligation imposed on the employer for regulatory purposes and not for the purpose of considering the contract to be a formal one. and that the provisions of the second paragraph of Article (8) allowing the employee to prove the contract by all means does not prevent the employer from proving the contract by the means legally authorized. I prefer the second possibility to the first, given that it provides legal protection for the employee without the need to establish an exceptional ruling contrary to the



rules of invalidity relating to public order. It should be noted that the legislator's position in the UAE was obvious in the Labor Relations Law No. (8) of 1980, as Article (35) of this law states that: "... The employment contract shall be in writing in duplicate counterparts, one of which shall be given to the employee and the other to the employer. If there is no written contract, all its terms may be proven by all legal means of proof. "Article 39/1 states that: "An employment contract shall be considered indefinite

from the date of its formation ... if it is not in writing."

As for the second question on the nature of the employment contract, whether it is binding or non-binding, we note at the outset that a binding contract is one that neither party may revoke or terminate except by mutual consent, litigation, or pursuant to a provision of law. Article 267 of the Civil Transactions Law states: If a contract is valid and binding, neither party may revoke, amend, or terminate it except by mutual consent,



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**A contract is  
 the binding  
 of an offer  
 made by one  
 person to the  
 acceptance  
 of another  
 person to  
 produce a  
 specific legal  
 effect**  
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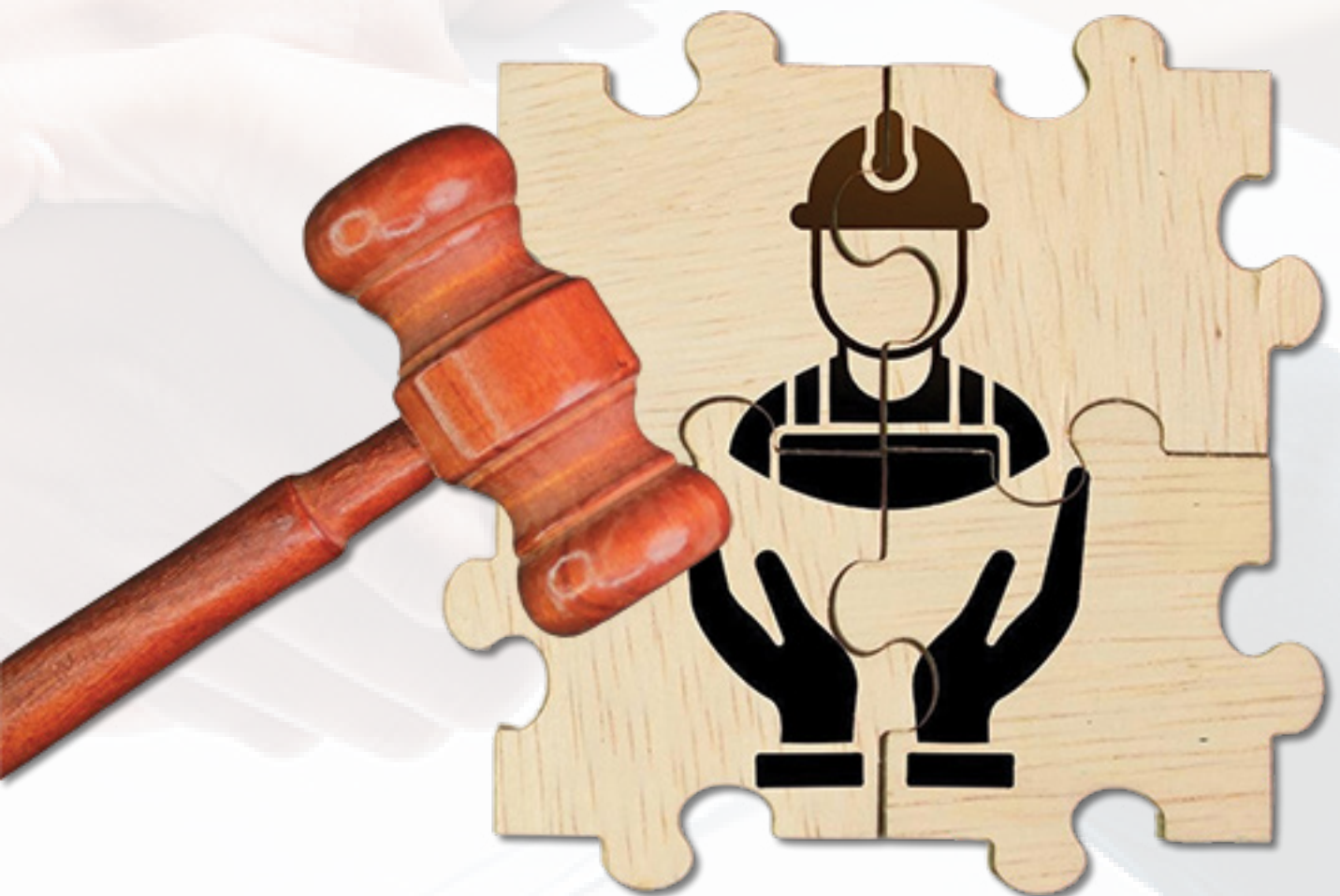
litigation, or pursuant to a provision of law." Contracts are binding by default. A non-binding contract is one in which either or both of the contracting parties may revoke or terminate it without mutual consent or litigation. Article 218 of the Civil Transactions Law provides that: A contract shall be non-binding on one or both of the contracting parties, despite its validity and enforceability, if it stipulates the right to terminate it without mutual consent or litigation. 2- Each party may rescind it independently if it is by its nature non-binding on them or if they have stipulated the option to rescind it." Accordingly, there are two reasons why a contract may be non-binding: either the nature of the contract, as in the case of deposits, loans, POA, and mortgages, which by their nature require that the parties be allowed to withdraw from them at their sole discretion, or the existence of a right of rescission in the contract, either by law, such as the right of rescission granted to a contracting party who has made a mistake or been subjected to fraud with excessive loss, or the right of rescission due to a defect, or by agreement, as in the case of stipulated right of cancellation. Now let us see what the nature of an employment contract is according to the provisions of the UAE Labor Relations Law No. 33

of 2021. The first paragraph of Article (43) of the Labor Relations Law states that: "Either party to an employment contract may terminate the contract for any legitimate reason, provided that the other party is notified in writing, ...". It is clear from this text that the employment contract is not a binding contract. We believe that this contract should be binding contract because its nature does not require that the parties be allowed to withdraw from it at their sole discretion. Moreover, the withdrawal of one of the contracting parties from the contract would harm the other party, especially the employee. It should be noted that the provision referred to in Article (43) was justified in the Labor Relations Law No. 8 of 1980, which adopted the indefinite employment contract. Article (117/1) stipulates that: "Both the employer and the worker may terminate an indefinite employment contract for a legitimate reason at any time after the contract has been concluded, after giving the other party at least 30 days' written notice prior to its termination." However, in the applicable law, there is no justification for this because it does not take into account open-ended employment contracts. In addition, this law allows either party to terminate the contract at their sole discretion and without notice in specific



cases. Article 44 states that: “The employer may dismiss the employee without notice, after conducting a written investigation with him, and the dismissal decision shall be in writing and justified, and the employer or his representative shall deliver it to the employee in any of the following cases: ...” Article 45 states that: “The employee may leave work without notice while retaining his rights upon termination of service in any of the following cases: ...”.

**In conclusion, we believe that while Article 8 allows workers to prove their employment contracts by any means in order to provide them with legal protection, Article 43 allows either party to terminate the contract at their sole discretion, which may weaken this protection.**



# **A Reading in the Mandatory Rules of Certain Provisions of the UAE Personal Status Law**



**His Excellency Judge Dr.  
Hasan Rashid Al-Haymer**



**When the legislator enacted the Personal Status Law, he did not adopt a single approach in the rules he set forth, nor did he follow one consistent path. This is because the relationships that arise between individuals in society differ: some affect the very foundations of society, whether from religious, moral, political, social, or economic perspectives. In such cases, the legislator ought to lay down rules that individuals are bound to adhere to, and which the judiciary is bound to apply and enforce, even if neither of the parties invokes them, as they are considered mandatory rules, such as those governing marriage, inheritance, and lineage, as shall be discussed. On the other hand, other relationships do not touch upon the foundations of society, and their effects in reality extend no further than the parties themselves, such as most financial disputes arising between spouses. For such matters, the rules enacted by the legislator to regulate these relationships are considered supplementary rules.**

The distinction between mandatory rules and supplementary rules may rest on either a formal or a substantive criterion. The formal criterion is reflected in the wording and expressions contained in the legal rule that indicate its binding nature and make its application obligatory upon the court. This is typically evidenced where the text contains prohibitive or imperative terms, whether explicitly or implicitly, so that its mandatory nature is clear upon reading. Consequently, the application of such rules does not depend on whether the party invoked them or not, nor may the parties agree to derogate from its provisions. However, in certain instances, the formal

criterion may not assist the judiciary in determining whether a rule is mandatory or supplementary, or in identifying the true nature of a legal rule based merely on its wording or phrasing. In such cases, it becomes necessary to resort to the substantive criterion, which is based primarily on the content and essence of the rule. If the rule relates to the very structure of society and its fundamental order, for example, relationships arising among individuals in society that directly affect religious, moral, political, social, or economic interests, then the legislator shall establish rules binding upon individuals, from which no derogation by agreement is permitted.



These are described as mandatory rules. Conversely, if the rule is confined merely to regulating secondary matters concerning the private interests of individuals, without touching upon the foundations of society and with its effects limited in practice to the parties themselves, such as financial relations, the legislator presumes that individuals themselves are best suited to determine their own affairs and interests. In such cases, the legal rules governing such relationships are commonly referred to as supplementary rules.



**The  
fundamental  
morality of  
society, and  
therefore it is  
considered a  
branch of the  
basic principles  
of Islamic law**



One of the distinguishing features of mandatory rules is that these rules are connected to public order and morality; hence, it is impermissible to derogate from them or to agree otherwise. Article 3 of the Civil Transactions Law expressly stipulates certain matters that fall within the scope of public order and morality, such as marriage, inheritance, and lineage. Accordingly, the rules regulating such matters are mandatory and binding, and no agreement may be made in contravention thereof. The court is bound to apply them ex officio, even if the parties do not raise them in their pleadings or defenses. Moreover, such matters may be raised for the first time before the Court of Cassation.

In legal doctrine, the term “public order” has been defined as the set of the religious, moral, political, social, and economic foundations upon which the

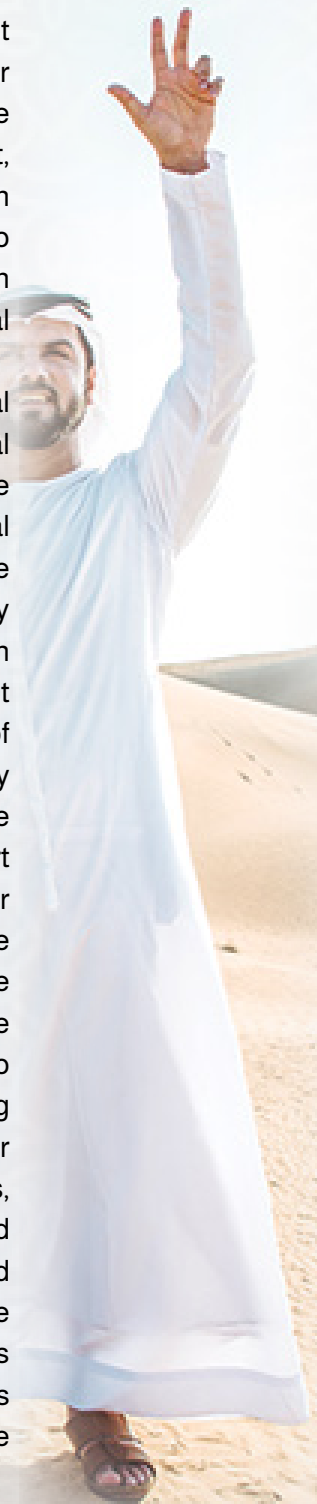
structure of society is built, without which the stability of society cannot be maintained. The UAE legislator has acted wisely in linking the concept of public order with the principles of Islamic Sharia, ensuring that the rules falling under the notion of public order do not contravene the definitive rulings and fundamental principles of Islamic legislation. As for public morality, it represents the body of essential ethical interests of society, and thus it is considered a branch of the fundamental principles of Islamic Sharia. Consequently, it forms an integral part of public order.

In addition to the two aforementioned criteria, the Court of Cassation has established another criterion for considering a rule mandatory. Where this criterion is fulfilled, the court is obliged to apply it and may not disregard or omit it even if not invoked by a party, nor can it be argued that it exists solely for the benefit of a party such that reliance upon it is required. In fact, this criterion concerns the mandatory statutory deadlines, which form part of public order and must therefore be observed by the courts. Such time limits entail consequences such as nullity, inadmissibility, non-hearing, or lapse. For example, the mandatory period within which service of process must be effected: Article 1/4 of the Civil Procedure Law provides that: "If this Law prescribes a mandatory period for taking an action

by way of service, such deadline shall be observed if the request is filed or the service proceedings are initiated within it." Another instance is the thirty-day period following a dismissal of the lawsuit for inactivity. If, during that time, none of the parties submits a request to proceed with the lawsuit, or if both parties fail to appear after resumption, the lawsuit shall be considered as though it had never been filed. Accordingly, Article 1/53 of the Civil Procedure Law stipulates, "If neither the plaintiff nor the defendant appears, the court shall rule in the lawsuit if it is ready for adjudication; otherwise, it shall order its dismissal. If thirty (30) days pass without any of the parties submitting a request, the Case Management Office shall, upon the lapse of the said period, refer the matter to the competent judge to issue a decision thereon." The implication is that the mandatory time limits set out in the law are deemed part of public order and cannot be disregarded. This principle was affirmed in the ruling of the Dubai Court of Cassation dated 07/04/2025 in Real Estate Challenge No. 102/2025. Similarly, the same principle is reflected in Article 9 of Personal Status Law No. 41 of 2024 regarding the time limit for challenging judgments, Article 10 on the commencement of such period, and Article 72 regarding the filing of a second divorce claim following the rejection of the first lawsuit for lack of proof of harm.

The latter requires that the second action be filed only after the judgment in the first lawsuit becomes final, or six months have elapsed since the issuance of the first-instance judgment, whichever is later, as will be explained in more detail below. The same applies to other mandatory deadlines provided in the Civil Procedure Law or the Personal Status Law.

This preamble aims to clarify certain legal provisions contained in the Personal Status Law regarding which some disagreement has arisen and judicial opinions have diverged as to their true nature: whether they are mandatory rules connected with public order, which the court must apply *ex officio* without being invoked or relied upon by any of the parties, or whether they are merely supplementary rules established for the benefit of a party, in which case the court may not raise them unless the party for whose benefit they exist does so. The legal provisions in question will therefore form the focus of our discussion. We shall attempt, insofar as possible, to ascertain their nature, whether binding or non-binding, in light of their character as mandatory or supplementary rules, applying the criteria previously outlined from the views of legal scholars and judicial authorities. The aim is to bridge the gap and bring judicial perspectives closer together regarding the disputes arising in this context, whether at the



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Since the  
prohibition is  
clear, that is  
sufficient to  
understand the  
nature of that  
rule as being  
imperative  
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level of a single court or across courts of different instances. This effort is also crucial to ensuring the realization of rights, which constitute the foundation of justice, so that those seeking to claim their rights are not wronged. It also seeks to avoid certain judicial interpretations that may hinder such realization, owing to their failure to observe sound criteria in interpreting legal provisions and determining whether they are mandatory or supplementary.

Among the legal provisions in question is Article 99(3) of Federal Personal Status Law No. 41 of 2024, which stipulates: “A wife’s claim for maintenance shall not be heard for a period exceeding two years prior to the filing of the lawsuit.” Upon close examination, it is evident that this provision embodies the criteria necessary for it to be deemed a mandatory rule under the law. It satisfies the formal criterion, beginning with the prohibitive particle “shall not,” which expressly prevents the court from hearing a wife’s claim for maintenance beyond two years (as opposed to three years under the repealed law). This prohibition alone suffices to classify the rule as mandatory, without the need to resort to the substantive criterion—, which generally comes into play only where the formal criterion cannot be inferred from the wording of the provision. Since the prohibition here is explicit, this is sufficient to establish its

mandatory nature, obliging the court to apply it ex officio, even if the husband does not invoke it. That said, a closer examination of paragraph (3) reveals that it also incorporates the substantive criterion, in that it seeks to safeguard the interests of both parties to the dispute as well as those of society. This is confirmed by the Explanatory Memorandum of the Law, which states: “For this reason, the period during which past maintenance may be claimed has been limited to no more than three years, so that claims are not delayed beyond this limit. This represents a middle ground that balances the interests of both parties and the interests of society.” Accordingly, it is clear that the legislator intended this provision to be binding on the judge, as it addresses the fundamental structure of society rather than secondary matters concerning only the private interests of one party. Its essential purpose is to preserve the husband’s financial stability and prevent its disruption, since such disruption may undermine the stability of the family unit and, in turn, society as a whole. The law therefore sought to protect the very foundations of public order, as previously discussed. Furthermore, paragraph (3) establishes a specific period within which the wife may claim alimony, namely two years from the date of instituting judicial proceedings. Accordingly, no claim shall be heard in respect of any period exceeding that





limit. The legislator prescribed this period in order to safeguard the interests of both parties to the dispute as well as the interests of society; to hold otherwise would amount to arbitrariness, which the legislator must be deemed to have avoided.

In light of the foregoing, it follows that paragraph (3) constitutes a mandatory rule connected with public order. The judge is obliged to apply it and to raise it ex officio, even if the opposing party does not invoke it or contends that it exists solely for his benefit, in line with the criteria previously established for classifying a rule as mandatory.

In the same context, Article 111 of the Law provides that no claim for child support against the father in respect of a period exceeding one year prior to the date of filing the legal claim shall be heard. In fact, this article is subject to the same reasoning previously set out in relation to paragraph (3) mentioned above, as it likewise satisfies the formal criterion by commencing with a prohibitive clause, as well as the substantive criterion, which emphasizes the need to preserve the family unit rather than serving a purely personal interest. This is further clarified in the Explanatory Memorandum, stating that: “so that the custodian, particularly

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**The legislator considered that giving the wife a one-year grace period to initiate a maintenance claim was a way to prevent disputes and disagreements, and to avoid the collapse of the family**  
 ”

if she is the mother, is not compelled to hasten to file a claim and resort to the courts, thereby aggravating the dispute and conflict ...” The legislator thus considered granting the wife a one-year grace period to initiate a child support claim as a means of preventing ongoing disputes and disagreements, and to avoid the collapse of the family and the grave consequences that would ensue for the very foundations of society, which the legislator, through its provisions and rules, sought to preserve. Accordingly, the foregoing article constitutes a mandatory rule related to public order, which the court must apply *ex officio*, even if not invoked by the party for whose benefit it was enacted.

In addition—in line with the two preceding articles—Article 97, paragraph (3) of the Personal Status Law No. 41 of 2024 provides: “No claim for an increase or decrease in maintenance shall be heard before the lapse of one year from the date on which the judgment awarding maintenance becomes final, except in exceptional circumstances as determined by the court.” In addition to satisfying the formal criterion—which alone suffices to classify it among the mandatory rules of the law—the Explanatory Memorandum clarifies the rationale for this one-year period during which neither spouse may bring a claim against the other for an increase or decrease in maintenance, stating: “In

order to ensure stability of judicial rulings in the field of maintenance, and to prevent vexatious litigation, the paragraph prohibits hearing such claims before the lapse of one year from the time it was determined by the court ...” There is no doubt that the stability of judicial rulings concerns the interests of society and its stability, and is not merely a personal interest. Moreover, the mischief the legislator sought to prevent would not be averted if this rule were regarded as merely supplementary—that is, one which the court would not apply *ex officio* unless invoked by a party. Among the legal provisions considered mandatory is Article 72 of the Personal Status Law No. 41 of 2024, which provides: “If harm is not proven, the court shall dismiss the action. However, if discord persists between the spouses, the aggrieved party may bring a new action after the judgment has become final or after six (6) months from the issuance of the first-instance judgment, whichever is later, if new grounds justifying dissolution arise or new circumstances and facts emerge as determined by the court ...” It is observed that—unlike the repealed law—the new law introduced a specific time period during which either spouse may refile a claim for divorce if they fail to prove harm in the first action. From the context of the article, it is clear that this time interval between the two lawsuits was not intended to serve a

purely personal interest of either party, such that the court would only apply it if invoked. Rather, the court is obliged to apply it ex officio. Accordingly, the court must either permit consideration of the second lawsuit once the longer of the two periods has elapsed and adjudicate its merits, or dismiss it as premature if filed before the prescribed period, unless the statutory exception applies—namely, the occurrence of a new event warranting dissolution or new circumstances and facts as assessed by the court. There is no doubt that the substantive criterion is manifest in this article, as divorce—like marriage—concerns public order, touching upon the very foundations of society and directly affecting one of its core components: the family. The stronger the cohesion of the family, the stronger society becomes; conversely, the fragmentation and disunity brought about by divorce weakens society and exposes it to disintegration. For this

reason, the legislator introduced a binding legal rule designed to mitigate, as far as possible, the adverse effects of divorce on society by imposing a waiting period during which the spouses may reflect carefully before initiating a new divorce action.

Judicial practice has shown that allowing sufficient time for reconciliation, reflection, and the possibility of agreement has led many families to return to a state of calm, stability, understanding, and harmony between the spouses, thereby resolving disputes and extinguishing sources of discord. Article 72 thus serves precisely this purpose, and serves as a reminder to the judiciary of its mandatory nature: it must be applied ex officio, even absent reliance upon it by either party. This is the approach most consistent with sound judicial interpretation, as previously explained.

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**Divorce, like marriage, is a matter of public order, affecting the foundations of society and impacting one of its most important components: the family**  
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# **Emirati Identity In the Time of Artificial Intelligence**

## **Challenges and ways to protect**



His Excellency Judge Dr.  
**Hamda Abdullah Al-Suwaidi**

**My Emirati identity is my distinguishing mark, my authentic roots, the first seed of my personality, my values, principles, customs and traditions, history and the source of origins, the treasure that many have failed to imitate and explain, the good spirit.**



”

**Despite the remarkable development witnessed by my dear country, the customs and traditions that originated in its desert environment remain the foundation of Emirati life**

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The roots of this authentic identity go back to a traditional Arab history that originated in a desert environment. This desert, despite its heat and the harshness of living in it, formed an essential part of the Emirati social and cultural identity. Despite the remarkable development witnessed by my dear country, the Customs and traditions that originated in its desert environment are still the basis of Emirati daily life, including, but not limited to:- generosity, compassion, love of good, courage, respect, responsibility, adherence to the teachings of the Islamic religion, loyalty to the homeland. In light of an unprecedented technological movement that has turned the scales upside down, and humans have become a tool among

its tools, the viewer and the beholder in all public and private facilities notice the preoccupation and addiction of children, men and women to social networking sites and programs, which are increasing at a rapid pace without stopping. Despite the fact that these digital technologies expand the horizons of individuals and enrich their knowledge, they pose a threat to the Emirati thought by relying on them for conclusion, research, analysis and blind imitation of their content, as well as violating cultural privacy, Customs and traditions, including social gatherings and visits, national and cultural celebrations, the values of respect, cooperation, generosity and loyalty, and the tendency towards introversion, dependence,





**The United Arab Emirates has been keen to impress the world through its strategies and the vision of its wise leadership in facing the future and employing its modern technologies**



isolation and poor social cohesion between families, which are the nucleus of society and the basis of its cohesion and prosperity.

Perhaps the difficult phenomenon that most families face nowadays is the control of addiction to the use of social networking sites and artificial intelligence programs, especially from the negative side, it is no secret to anyone the impact of electronic advertising, for example, which aims to encourage the sale of a product or provide a service in a direct or indirect way, which will affect the values of individuals at times and other programs motivating and calling for abnormal openness, promoting trivial challenges that waste reason and money, as well as rebellion against the

family and society, which contradicts the concept of personal freedom and pure human and community values.

When we talk about modern technology programs and modern technology, the first thing that comes to mind is artificial intelligence, which has become the talk of the hour, and has become a fundamental pillar in all walks of life, but companies, institutions and countries compete among themselves in activating this technology to create an innovative environment in various sectors and make the most of it. It is the intelligence displayed by machines and programs that mimic human mental abilities and modes of work, such as the ability to learn, simulate, deduce, react,

interact, issue a decision or command and take action, in order to achieve speed of achievement, development and accuracy of performance.

The United Arab Emirates has been keen to impress the world through its strategies and the vision of its wise leadership to confront the future and employ its modern technologies. In this context, in 2017, the UAE established the Ministry of artificial intelligence to adopt artificial intelligence technologies. among the most prominent leading Emirati applications in this regard are: intelligent medical diagnosis, intelligent security data analysis, autonomous driving project, which contributed to raising the quality of life and the country's global indicators.

As the rapid legislative movement witnessed by the state for the purpose of establishing a legal environment attractive to investment and advanced keeps pace with the rapid technical trend and ensures the sustainable use of all technological technologies, however, this movement highlighted many legal, social and cultural issues that require reconsideration of the prevailing legislation, to ensure the

continuation of national identity and pride in it.

The education sector has been the main focus of the development scene in the state since the foundation of the federation by the late Sheikh Zayed Bin Sultan Al Nahyan as one of the most influential sectors on individuals, especially the childhood stage, which is the stage where personalities form and instill values and principles, understanding the future youth, the strategic stock of the state and the basis of the development process, and in this regard, the legislation introduced in the state has organized the public and private education sector, as the Ministry of Education has obliged all private schools to teach Arabic, social studies, civic education and moral education in accordance with the ministry's curriculum and prohibited that the curricula of private schools include any violation. It also sets conditions for obtaining a license and for educational cadres to ensure the efficiency of teaching staff and maintain the quality of education in the state.

Moreover, with reference to the Federal Decree-Law No. 42 of 2024 on

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**Work is a solid  
foundation  
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in society**

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the establishment and organization of the council for Education, Human Development and society, which aims at interconnection and harmony between strategic orientations, policies, legislation and plans related to education, human development and society and contributing with the concerned authorities in the country to support the adoption of artificial intelligence tools and technology in the field of scientific research and education, however, the Legislative Texts regulating educational institutions We hope that the UAE legislator will oblige all educational institutions to develop digital platforms that reflect the Emirati culture and combine openness to the world and pride in identity, as well as establish a strict monitoring mechanism in coordination with service providers in the exchange of information, ideas and experiences.

As for the employment sector and the risk of high unemployment, which inevitably leads to a high crime rate and criminal seriousness, and this is far from our societal values and goals, work is the solid foundation that meets individual and family needs in society,

and due to the impact of artificial intelligence on the labor market, which may result in dispensing with many regular jobs, including (banking services, customer service, public relations...), Which requires a legislative amendment in the laws regulating the public and private education sector and the laws of employment and human resources through mandatory qualification of national workers to keep up with new job opportunities related to programming And artificial intelligence from the stage of basic education to higher education in the country, in order to ensure this rapid transformation in the UAE market without prejudice to the employment sector. In the field of security, including data protection and Privacy, despite the state's response to crimes that may occur through social networking sites and other modern technologies by issuing a Federal Decree-Law No. 34 of 2021 on combating rumors and cybercrimes, the law was characterized by a strict punitive criminal policy in view of similar crimes contained in the federal crimes and penalties law, evidence of the UAE legislator's briefing on the impact of



**The education sector has been the main focus of the development scene in the country since the establishment of the Union by the late Sheikh Zayed Bin Sultan Al Nahyan**





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**Artificial  
 intelligence  
 is a physical  
 thing that  
 issues  
 opinions,  
 knowledge  
 and guidance,  
 especially in  
 the field of  
 education,  
 knowledge  
 and research**  
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modern technologies on the ease of committing crimes and their spread in a way that is difficult to control, as well as Federal Decree-Law No. 45 of 2021 on the protection of personal data, which organized a practice Companies specializing in the processes of control, processing, circulation, preservation and storage of personal data of all residents on the territory of the state. In view of the first articles dealt with by the legislator, the controller was defined as the entity or the natural person who has personal data, and by virtue of his activity he determines the method or method and criteria for processing such personal data, whether alone or through other facilities, and the processor was defined as the entity or the natural person who processes personal data on behalf of the controller and under his instructions. This shows that the above-mentioned legislation has meant the protection of personal data of individuals by regulating the work of companies involved in this role and licensed in the country, and since the use of artificial intelligence in the collection and analysis of big data makes it easy to access the most accurate sensitive

data of individuals, this legislation should include mechanisms for using artificial intelligence in data processing operations and the entity responsible civilly and criminally in case of data breach or exposure in any way.

Whereas the provisions of the law are the basis to which all disputes are referred, and the basis of the philosophy of law is to monitor human nature and the resulting problems of society to put forward appropriate solutions to them and fair punishment commensurate with the facts Committed, which contributes to the dissemination of security and community awareness. From our point of view, artificial intelligence is a material thing that issues opinions, knowledge and guidance by way of discretion, especially in the field of education, knowledge and research, and therefore this thing cannot bear legal responsibility, but the responsibility falls on the person who guards it and is at his disposal, whether the programmer, service provider or user, but the responsibility is solidarity between them, each according to his competence and the extent of his mistake, but to date, this dispute has not been resolved by an

explicit legislative text in this regard, which entails the introduction of a legislative amendment to the Federal Civil Transactions Law to address civil liability for intelligence programs as well as the criminal confrontation of crimes resulting from The use of artificial intelligence programs, whether through the Federal Penal Code and crimes or complementary penal legislation, including the aforementioned cybercrime law, in order to facilitate the mechanism of adapting the facts and cases restricted before the UAE judiciary with explicit and reliable provisions to sign the appropriate punishment and achieve its goals.

Therefore, artificial intelligence, although it is necessary to develop all vital sectors and those who are ignorant of it become ignorant and unable to keep up with the requirements of the present and the future and its necessities, but the use of these programs must be governed by a precise legal confrontation that combines cultural privacy and international standards with an interconnected fabric between the bonds of the authentic past, present

and future, and all legislative and executive efforts must be concerted through the use of artificial intelligence in enriching Emirati thought to spread a bright image of society, its values and principles, the honorable history of ancestors, a sense of responsibility and commitment, which is a special attention to the children of the United Arab Emirates, as well as taking measures It is necessary to disable the access of users in the country to some suspicious websites or electronic accounts, which are inevitably aimed at erasing the authentic Arab identity. **In conclusion, we emphasize that the human legacy has its impact and to protect this legacy, we hope that the UAE legislator and the competent authorities in the country will develop a national strategy aimed at strengthening the national identity in the era of artificial intelligence, and adopt a national priority, which is to preserve the Emirati heritage and its persistence, the persistence of the bird in the Storm Revolution, we are all responsible for the continuation of this legacy until the last pulse in our lives.**

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**Artificial intelligence software is one of those things, it is not a natural person who is accountable, not a legal person, but a product of the work of programmers and service providers behind the curtain**  
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# Clarifying the Concepts of Promotion, Trafficking, and Facilitation in Narcotics Law

Analytical and Judicial Study



His Excellency Judge Dr.  
Rashid Mohammed Al-Sumairi





## Introduction

Criminally, the concepts of promotion, trafficking, and facilitation in narcotics crimes intersect, as all involve a material act committed by others that enables a user to access a narcotic drug or psychotropic substance. Facilitation—in its fundamental form—constitutes the broadest behavioral standard underpinning various forms of enabling others to access narcotic drugs. More severe forms, such as promotion and trafficking, branch out therefrom depending on the perpetrator's intent, the scope of the act, or its connection with compensation.

However, this conceptual proximity has sometimes caused confusion in judicial practice, leading to mischaracterization or the imposition of stricter legal labels on acts that do not substantively justify them, thereby opening the door to interpretation and affecting the precision of legal classification.

Accordingly, this study aims to provide an original and foundational judicial reading that seeks to precisely delineate these three concepts as outlined in Federal Law No. (30) of 2021, analyzing their essential differences within a legal framework designed to assist judges and researchers in applying consistent and accurate legal characterization of facts.

The study is based on several key provisions of this law, particularly Articles (1, 48, 56, 57, 58, and 59), which address these descriptions from the perspective of criminalization and penalty. These provisions will be analyzed sequentially through a deconstructive and analytical approach highlighting the points of distinction between them.

### First: Promotion and Defining Its Concept

Article One of Federal Law No. (30) of 2021 concerning the Combatting of Narcotic Drugs and Psychotropic Substances defines the term "promotion" as: "The dissemination or distribution of narcotic drugs or psychotropic substances among a number of individuals indiscriminately."

It appears from the text that the legislator did not provide a composite definition of the concept of "promotion," but rather chose to

use three adjacent terms: "dissemination," "distribution," and "a number of individuals indiscriminately" -without elaborating on the meaning of each. In light of this textual brevity, attaining an accurate understanding of this concept necessitates an analysis of each word as an independent legal term.

#### 1. Dissemination

Dissemination is defined as the offender relinquishing possession of narcotic drugs or psychotropic substances to others

indiscriminately, with the intent of making them accessible to anyone who desires them. This encompasses any intentional act of relinquishing possession that renders the substance accessible to others without specification or restriction. Direct handover is not a requirement for dissemination, nor is it necessary for the offender to know the recipient. It suffices that the act results in placing the substance in an open environment where it can be circulated.

## 2. Distribution

Distribution is defined as the act of the offender dividing narcotic drugs or psychotropic substances and allocating portions thereof for delivery to a number of individuals, based on prior coordination. This indicates a conduct that is more organized and deliberate than dissemination, wherein the offender partitions the substance and directs it to multiple recipients within a network or executional sequence. This implies a systematic intent to transfer the substance from one hand to another, whether the delivery actually occurs or not.

## 3. "A Number of Individuals Indiscriminately"

The expression "a number of individuals indiscriminately," as used in the legal definition of promotion, is linguistically understood to refer to a group of three or more. The use of the term "number" in conjunction with "individuals" conveys an intention of widespread and open distribution rather than limited dealing. Accordingly, the intent is not merely to reach three known individuals, but rather to introduce the substance into general circulation among unspecified persons. This condition is

fulfilled even if it cannot be proven that the substance actually reached that number, as long as it is established that the distribution occurred in a manner that did not target specific individuals.

## 4. Distinction Between Dissemination and Distribution

Although both "dissemination" and "distribution" constitute forms of promotion, there are subtle differences between them in terms of their nature and mental element. Dissemination is an open-ended, non-directed act in which the offender relinquishes possession without prior knowledge of who will receive the substance, aiming to make it available in a random environment without coordination.

Distribution, on the other hand, is a structured and targeted act that involves segmenting the substance and directing it to a number of individuals according to a plan or coordination, which implies a degree of awareness or collusion with other parties. As such, it is understood that dissemination is more random, while distribution is more organized. Both contribute to the promotion of narcotic drugs, but through different forms of conduct and intent.

## Second: Trafficking and Defining Its Concept

Despite the gravity of the term "trafficking" and its frequent appearance in criminalization and penalty provisions within anti-narcotics laws, the majority of legislations—including Federal Law No. (30) of 2021 on Combating Narcotic Drugs and Psychotropic Substances, as well as relevant international conventions such as the United Nations Convention Against Illicit Traffic in Narcotic Drugs and

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Psychotropic Substances, 1988-have not explicitly provided a clear definition of the term. Instead, they merely mention it as one of the punishable acts, without delineating its scope or constituent elements.

Jurisprudential writings have varied significantly in their treatment of the concept. While some scholars have confined trafficking to acts of buying and selling, others have expanded the term to include any transaction intended to generate profit or compensation from the unlawful handling of narcotic drugs. As for judicial rulings, they have often relied on inferring the intent to traffic from the surrounding circumstances, such as the quantity of the drugs seized, the recurrence of incidents, and the presence of distribution tools-without adopting a unified and definitive definition. This has led to notable inconsistencies in practical application.

In light of this definitional gap, and based on judicial practice that reveals various forms of trafficking not necessarily encompassed by traditional definitions, I propose in this study a comprehensive, judicial definition of drug trafficking. This definition encompasses what has been addressed in jurisprudence, reflects the settled principles in judicial rulings, and preserves clear distinctions between it and other overlapping concepts. Trafficking is defined as the possession of narcotic drugs or psychotropic substances with the intent to relinquish them to others, for the purpose of making a material profit or obtaining a benefit in exchange for giving up possession.

**This definition is characterized by the following features:**

1. Starting from possession as the central

material element in most drug-related cases-whether such possession is achieved through direct physical possession, actual control of the substance through an intermediary, or by holding it in a location managed by the offender—so long as it is proven that the offender has the power to dispose of it.

2. The intent to relinquish possession to others is regarded as the decisive element that distinguishes possession in the crime of trafficking from other forms of possession, such as mere possession or possession for use. Thus, the crime is legally constituted once it is proven that possession is accompanied by this specific intent, without requiring actual sale or an attempt to sell. The act of sale is merely indicative of the intent—it is not a condition for establishing the crime.

3. The intent to obtain compensation is considered an essential element of the crime of trafficking. The term "compensation" is not limited to monetary profit but includes any benefit considered as a price for relinquishing possession, regardless of its nature.

This definition also includes a particular judicial addition, namely the phrase: "or obtaining a benefit in exchange for relinquishing possession." This wording aims to precisely define the special criminal intent in trafficking, so as to encompass common real-world scenarios in which the offender does not receive direct monetary compensation but instead derives a practical or personal benefit—such as a service, a relationship, a form of protection, or influence. Through this addition, trafficking is no longer confined to its traditional form based on sale

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**Jurisprudential writings have varied in their treatment of the concept; while some jurists limited it to forms of buying and selling, others expanded it to include any action aimed at achieving profit or compensation from illicit drug dealing**  
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Facilitation is defined as: any positive act committed by the perpetrator knowingly and willingly, with the intention of enabling or assisting another person in using a narcotic or psychotropic substance

and profit. Rather, the concept is carefully expanded to include any situation in which it is proven that the offender possessed the substance with the intent to transfer it to others in exchange for a benefit—without restriction as to the form or type of compensation—provided it is established that the such relinquish was motivated by that benefit, and that there is a direct link between the act and the benefit sufficient to establish criminal intent.

### Third: Facilitation and Defining Its Concept

The term "facilitation of the use of narcotic drugs or psychotropic substances" appears only once in Federal Law No. (30) of 2021, specifically in Article (48), without an explicit definition or a clear legal threshold being provided. This lack of definition has led to ambiguity in interpretation and inconsistency in application, due to the absence of specific elements or legislative criteria distinguishing it from other descriptions such as promotion or trafficking.

Moreover, the term has not received sufficient attention in jurisprudential writings, and it has generally been addressed only in occasional treatises, without a dedicated analysis that clarifies its scope and boundaries. In judicial practice, facilitation is often inferred from concrete acts such as preparing or offering the substance. Accordingly, this study seeks to fill this conceptual gap by presenting a precise, judicial definition of facilitation, one that clearly delineates its scope and distinguishes it from related terms, thereby ensuring accurate determination of criminal liability.

Facilitation is defined as any affirmative act

carried out by the offender knowingly and intentionally, with the aim of enabling another person to use a narcotic drug or psychotropic substance, or assisting them in doing so, without the offenders taking part in the use themselves, and without the act being intended to broadly make the substance available or to obtain compensation.

#### 1. "Any Affirmative Act"

Facilitation is established when the offender engages in a tangible material act that directly contributes to enabling another person to use a narcotic drug or psychotropic substance. Mere intent, omission, or passive knowledge is insufficient; there must be a specific affirmative act that has a real and direct impact on the commission of the offense. For example, handing the substance over to another person, preparing a tool for consumption such as a syringe or rolling a cigarette, or even monitoring the road to alert the user to the arrival of the police. Acts such as remaining silent, merely being present at the scene, or being aware of the drug use without taking any active part do not fall within the scope of facilitation.

#### 2. "Knowingly and Intentionally"

The act shall be carried out by the offender with full knowledge that it facilitates drug use, and it shall result from a free and conscious will. A person cannot be held criminally liable if they acted out of ignorance, under coercion, or handed over a substance believing it was not a narcotic.

However, anyone who knows that the substance will be used for drug consumption and still delivers it, or enables the user to access the tool or location, is considered to have committed a punishable act.

### 3. "With the Intent to Enable or Assist"

Facilitation requires the existence of a specific criminal intent—namely, the offender's aim to enable or assist another individual in use the substance.

This intent is deemed to exist whether the drug use actually occurs or not, as long as it is proven that the offender intended to make it possible. Examples include preparing the substance and then handing it over, or delivering the consumption tool while knowing the intended purpose.

### 4. "Without the Offender Participating in the Use"

Facilitation does not include what is referred to as "joint use," in which the offender themselves participates in the act. In such cases, the offender is considered a user, not a facilitator. For example, someone who consumes the same substance with others in a single session, or who passes a cigarette around in a group setting, is classified as a user. However, a person who prepares and delivers the substance without taking part in

its consumption is engaging in facilitation.

### 5. "Without the Intent to Promote Broad Availability"

Apart from promotion, the scope of facilitation is limited to enabling a specific individual or individuals to use the substance, without any intention to disseminate or distribute it broadly.

For instance, handing over the substance to a single friend for personal use is considered facilitation. In contrast, distributing it to a group or making it available indiscriminately constitutes promotion.

### 6. "Without Receiving Compensation"

Facilitation is characterized as a non-profit act. If it is proven that the offender handed over the substance or enabled its use without expecting or receiving any financial or moral compensation, the act is considered facilitation. However, if compensation is involved—whether monetary, a service, or a personal benefit—the legal classification shifts to trafficking, since the offender relinquished possession in exchange for compensation.

Facilitation requires the presence of specific criminal intent, which is the perpetrator's intention to enable another person to use drugs or to provide assistance to them in doing so

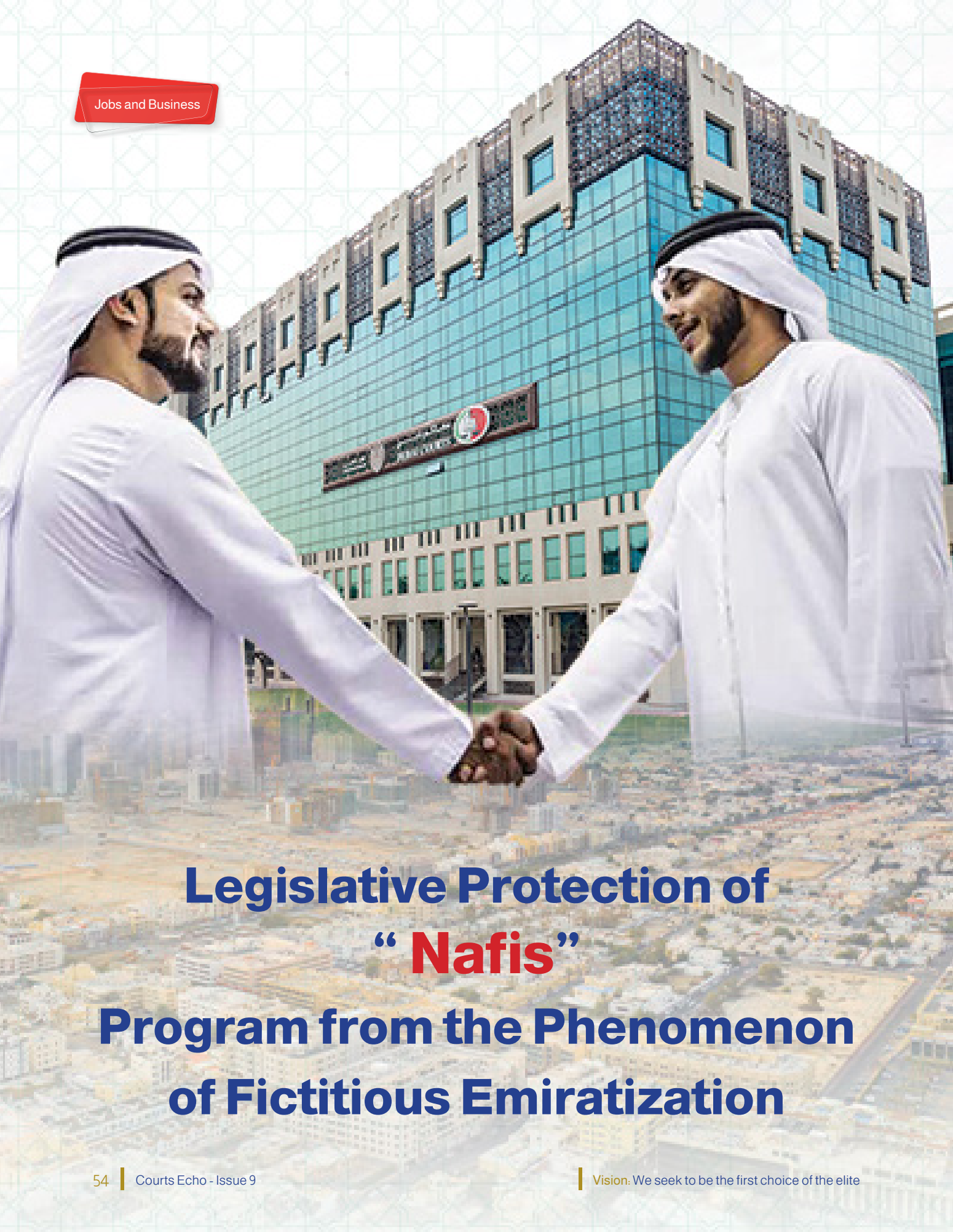
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## Conclusion

This study has presented carefully reasoned judicial definitions for the concepts of promotion, trafficking, and facilitation, grounded in legal texts and clearly distinguishing each concept from the others. It has also introduced the element of non-monetary compensation as part of the definition of trafficking, clarified the scope of promotion in terms of indiscriminate dissemination, and defined facilitation as a non-profit act that does not involve participation in drug use.

It goes without saying that the establishment of the legal elements constituting the crimes of promotion, trafficking, or facilitation—and the accurate legal characterization of the offender's conduct—ultimately falls within the discretion of the judge adjudicating the case. This determination shall be based on the proven facts, available evidence, and the specific circumstances of each case.

Therefore, the findings and definitions presented in this study should be understood as a judicial and analytical effort intended to support judicial reasoning—not to limit or override the discretionary authority of the courts.



# **Legislative Protection of “ Nafis ” Program from the Phenomenon of Fictitious Emiratization**



The Emirati Talent Competitiveness Council launched “Nafis” Program pursuant to Cabinet Resolution No. (1/7w) of 2021, as part of the Government of the United Arab Emirates’ vision to achieve sustainable development and economic diversification. The program aims to enhance Emirati participation in the private sector, while providing financial and professional support that contributes to balancing opportunities between the public and private sectors. The Program seeks to create sustainable employment for Emiratis and strengthen the role of national talent across diverse economic fields. Moreover, the program is designed to deliver specialized training and qualification schemes aligned with the evolving needs of the labor market, thereby incentivizing private sector to employ Emiratis through financial benefits and administrative support that simplify employment processes.



**His Excellency Judge Dr.  
Ali Mohammed Al Hosani**

Among the initiatives and programs offered by “Nafis” to support both Emiratis and private sector companies is the Salary Support Program, through which Emirati employees receive a monthly financial allowance to bridge the gap between public and private sector wages, thereby ensuring continuity in employment. Child Allowance Program, which provides financial benefits based on the number of children in order to ease financial burdens and improve living standards. In addition, the program ensures Social Security Coverage, by requiring the registration of Emirati employees with the General Pension and Social Security Authority and the payment of monthly

contributions on their behalf. Furthermore, “Nafis” invests in developing the skills of Emiratis by offering specialized training programs and accredited professional certifications. It also facilitates the exploration of job opportunities within private sector companies that are in need of national talent. In return, “Nafis” provides support to private sector companies that employ Emiratis, offering them financial incentives and exemptions from certain fees, thereby encouraging business owners to invest in the national workforce.

This pioneering initiative is not without challenges that shall be addressed in order to maximize its benefits. It is essential to ensure that



**Developing long-term strategies to ensure continued support for citizens and private companies, guaranteeing the sustainability of financial support without impacting the state's general budget**



the training programs offered to Emiratis are aligned with the actual needs of the labor market so as to achieve a balance between supply and demand, as well as promoting of a culture of awareness regarding the advantages of working in the private sector, particularly in light of the preference of some Emiratis for public sector employment due to its stability benefits. In addition, long-term strategies shall be devised to guarantee the continuity of support for both Emiratis and private sector companies, thereby ensuring the sustainability of financial assistance without affecting on the state budget.

Beyond these challenges, however, certain practices have emerged that involve misuse of such support, most notably what is known as “Fictitious Emiratization.” This unlawful practice has been exploited by some private sector companies to secure government incentives and benefits without fulfilling the actual purpose of “Nafis” Program, as Ministerial Resolution No. (663) of 2022, concerning compliance with Emiratization requirements in the private sector, defines fictitious Emiratization as: “The fictitious employment of an Emirati by obtaining a work permit and registering him with the establishment for purposes other than those for which the permit was issued, and the conclusion of an employment contract that meets formal requirements but lacks the essential elements necessary to establish a genuine contractual relationship,

namely salary, work, and subordination, between the parties, with the intent to circumvent the laws and ministerial resolutions regulating the employment of Emiratis in the private sector, to unlawfully benefit from government support and incentive schemes related to employment or training, or to meet the required Emiratization targets imposed on the establishment under ministerial resolutions.” In practice, such companies deliberately register Emiratis as employees without providing them with any real or substantive work, or by creating purely fictitious job positions to manipulate Emiratization targets and unlawfully obtain government benefits tied to achieving those Emiratization quotas. This undoubtedly constitutes a waste of public funds, as Emiratis are recorded as employees in name only, without being assigned genuine tasks, while part of their salary is paid and the remainder is illegally recovered. In many cases, such fictitious employment arrangements are maintained only for a short duration to fulfill Emiratization requirements after which the employment contract is terminated once the government incentives have been collected.

One of the primary reasons behind the spread of the phenomenon of fictitious Emiratization is the desire of some employers to obtain government incentives through the financial benefits provided by “Nafis” Program, without genuinely employing Emiratis. In

addition, some seek to avoid the penalties and fines imposed by the competent authorities for failing to meet the required Emiratization quotas. Weaknesses in internal oversight, coupled with the rapid expansion of “Nafis” Program, may at times make it difficult for the authorities to monitor each individual case. This negative phenomenon has several consequences. It leads to the misuse of financial resources, as government support is consumed without achieving its intended targets, thereby impacting the state budget and undermining genuine Emiratization initiatives. It also results in a loss of confidence in the state-led Emiratization programs, as the unlawful exploitation of such initiatives could harm the credibility of these programs in the eyes of both Emiratis and serious companies. Furthermore, it hinders the development of national talent, since instead of acquiring real skills and practical experience, Emiratis may find themselves in fictitious jobs that add no real value to their careers or future prospects.

Therefore, it has become imperative to adopt serious and concerted measures to curb the practice of fictitious Emiratization on multiple fronts. The competent authorities have intensified oversight and monitoring of private sector establishments through regular field campaigns to verify the authenticity of employment contracts and the actual job roles of Emiratis. Strict penalties and fines are imposed on private sector

establishments found to be engaging in fictitious Emiratization, including the withdrawal of government support, administrative measures, such as downgrading the establishment to the lowest category within the private sector classification system. This, in turn, entails significant consequences, most notably the obligation to pay the highest rates of government service fees compared to the reduced rates paid by establishments in the first and second categories. Additionally, the authorities may disregard the fictitiously employed Emiratis recorded in inspection reports when calculating Emiratization quotas, thereby obliging the establishment to pay contributions for the years during which it fictitiously claimed to have met the required targets, as well as compelling it to achieve the missed quotas that were manipulated through fictitious Emiratization. Moreover, artificial intelligence and data analytics are being used to detect abnormal employment patterns and to ensure that Emiratis are engaged in genuine work. Parallel to these efforts, a culture of reporting and encouraging Emiratis to report any unlawful practices related to fictitious Emiratization, while ensuring full protection for reporters.

As a result, Ministerial Resolution No. (663) of 2022 on compliance with Emiratization regulations in the private sector, in Article (Five), required employers, when employing an Emirati, to undertake several measures, which

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**Promoting  
a culture of  
reporting and  
encouraging  
citizens to  
report any  
illegal practices  
related to sham  
localization  
while  
ensuring the  
protection of  
whistleblowers**

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include: obtaining an Emirati work permit from the Ministry; concluding an employment contract in accordance with the regulations in force at the Ministry; paying the agreed-upon wage through the Ministry's approved Wage Protection System; registering the Emirati and paying monthly contributions to the pension and social security system in accordance with the applicable legislation within one month as of the date of issuance of the work permit; canceling the Emirati's work permit

upon termination of the contractual relationship; and, finally, reporting any amendment to the employment contract that could affect eligibility for the benefits of "Nafis" Program. Furthermore, Article (Six) of the Resolution obliges Emirati employees, upon joining a private sector establishment, to adhere to the obligations set forth under the Labor Relations Regulation Law, its executive regulations, and the resolutions issued in implementation thereof, as well as the provisions related to "Nafis" Program. They are also bound by the obligations stipulated in the employment contract signed with the establishment, and shall

“**The citizen worker is obligated, upon joining a private sector establishment, to comply with the obligations stipulated in the Labor Relations Law, its executive regulations, and the decisions issued in implementation thereof, as well as the decisions related to the “Nafis” program**



report any practices in violation of the provisions of this Resolution.

In order to pursue non-compliant establishments both administratively and judicially, the Cabinet issued Resolution No. (95) of 2022 concerning violations and administrative penalties related to the initiatives and programs of the Emirati Talent Competitiveness Council, dated October 14, 2022, which authorizes the Ministry to impose administrative fines on establishments found engaging in fictitious Emiratization in connection with “Nafis” initiatives and programs, ranging from not less than (AED 20,000) to not more than (AED 100,000) per employee. The same penalty applies in cases where false documents or incorrect data are submitted in order to obtain “Nafis”-related services or benefits, or for the purpose of evading or circumventing the Emiratization system. The Resolution also empowers the Council to impose penalties on beneficiaries for the same violations, including suspension of support and recovery of amounts previously disbursed. Moreover, it authorizes both the Ministry and the Council to refer the establishment or the beneficiary to the Public Prosecution to initiate legal proceedings against them. In implementation of these provisions, the Ministry of Human Resources and Emiratization took administrative measures against an employer who had fictitiously appointed 43 Emiratis from his own family, all under a single job title,

in order to circumvent Emiratization quotas and unlawfully benefit from the advantages of “Nafis” Program. The Ministry further identified several private sector establishments engaged in practices of fictitious Emiratization and announced that, between mid-2022 and mid-May 2024, its regulatory system had detected (3,549) violations of Emiratization targets across individuals and establishments in the private sector, including (1,379) private establishments that had fictitiously appointed (2,170) Emiratis, in clear contravention of Emiratization resolutions, through attempts to manipulate Emiratization targets and fictitious Emiratization. The Ministry also referred (113) private establishments to the Public Prosecution for breaching Emiratization resolutions. Among them, (98) establishments were found to have fictitiously appointed Emiratis, while (15) establishments were proven to have engaged in manipulating practices aimed at evading Emiratization targets. In this regard, on 29/07/2024, the Abu Dhabi Misdemeanor Court issued a judgment imposing a fine of (AED 10 million) on a private company for failing to comply with the standards and requirements of Emiratization resolutions governing private sector companies, and for manipulating Emiratization targets under “Nafis” Program, which provides benefits and privileges aimed at enhancing Emirates’ participation in employment within private sector

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**The Ministry of Human Resources and Emiratization has taken administrative measures against an employer who shamefully appointed 43 members of his family to the same job title**  
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**The legislator  
 strongly  
 rejects sham  
 localization  
 practices and  
 considers them  
 a violation of  
 the spirit of  
 the legislation  
 and the  
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 the localization  
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establishments by fictitiously appointed (113) Emiratis through obtaining work permits and registering them with the establishment without any genuine employment relationship. Based on the results of the investigation, Abu Dhabi Public Prosecution referred the violating company to the competent court, which rendered a conviction judgment. In another case, Dubai Misdemeanor Court, in February 2024, sentenced the manager of an establishment to a fine of (AED 100,000), with the fine multiplied by the number of employees involved in the violation, two Emirati women. The establishment had engaged in fictitious Emiratization by issuing work permits for the two emirates and registering them with the establishment without granting them actual employment, in order to evade Emiratization requirements under “Nafis” Program relating to private sector quotas. A fictitious employment contract was used to present a false appearance of compliance before the Ministry of Human Resources and Emiratization, as the establishment employed two Emirati women, which enabled the establishment to meet the required Emiratization quotas and to qualify for government support and incentives as a cooperating establishment under “Nafis” Program. Since the two women did not in fact work at the establishment, and their sole intent was to receive the monthly allowance of (AED 5,000), which they benefited from for (four months), they were notified by the Emirati Talent

Competitiveness Council “Nafis” to return the unlawfully obtained amounts. In March 2024, Dubai Public Prosecution also announced the issuance of a second judgment in a case of fictitious Emiratization, against the owner of an establishment who had similarly sought to manipulate Emiratization resolutions under “Nafis” Program. The court, judged in the presence of the parties, convicted the defendant and imposed a fine of (AED 100,000), with the fine multiplied by the number of employees involved in the violation, two Emirati women.

In light of the concerted legislative efforts to curb this phenomenon and its negative economic effects, the national legislator intervened through the recent amendment to Federal Decree-Law No. (33) of 2021 regarding the Regulation of Employment Relations, as amended by Federal Decree-Law No. (9) of 2024, which came into effect on August 30, 2024. This amendment constitutes an important legislative framework in the UAE for regulating the relationship between workers and employers, including Emiratization policies. This step not only seeks to enhance workers’ rights, improve the working environment, and support the sustainability of the labor market, but it also enhances the importance of strengthening the participation of UAE Emirates in the private sector. The law obliges establishments to comply with Emiratization quotas as determined by the State, provides



incentives to establishments that adhere to Emiratisation policies, and imposes penalties on those that fail to comply. The legislator firmly rejects practices of fictitious Emiratisation, considering them a violation of the spirit of the legislation and the targets of the Emiratisation policy. Establishments are thus required to employ Emiratis in an effective and genuine manner, not merely for the sake of meeting quotas on paper, as well as encourages the training and qualification of Emiratis to enable them to effectively assume their roles, and offers incentives to establishments that genuinely employ Emiratis and contribute to the development of their skills.

From a penal perspective, Article (60), Paragraph (2), of the aforementioned Decree-Law stipulates that: (Any employer who circumvents the provisions of the laws, regulations, or resolutions regulating the labor market, and employs one or more workers fictitiously, shall be punished with a fine not less than (AED 100,000) and not exceeding (AED 1,000,000). If the worker receiving any benefit or advantage from any ministry, council, fund, authority, or any other governmental entity entrusted by law or Cabinet resolutions with regulating the labor market or enhancing the competitiveness of its workforce, or should it enable the employer to evade legally mandated obligations, the court shall order the employer to repay the value of the financial incentives

provided to the worker to the relevant entity mentioned herein. The employer may not seek reimbursement from the worker for any amounts repaid to such entities). Among the aggravating circumstances emphasized by the legislator is the multiplicity of violations of fines per worker employed fictitiously. Consequently, the fine may reach its maximum limit of (AED 10,000,000) ten million dirhams.

Conversely, the legislator has emphasized the protection of the Emirati, in the context of this offense, from any future recourse by the violating establishment seeking to recover sums or financial incentives previously obtained by the Emirati as a result of the establishment's circumvention of the provisions of the laws, regulations, or resolutions governing the labor market. However, such protection does not find its parallel in Cabinet Resolution No. (95) of 2022 concerning administrative violations and penalties related to the initiatives and programs of the Emirati Talent Competitiveness Council "Nafis", as this resolution expressly permits the Council to reclaim from the benefiting Emirati any sums or incentives received, through whatever means it deems appropriate. Accordingly, this protection remains temporary and conditional upon the action taken by the Council pursuant to the said Resolution.

In consideration of labor market dynamics and in order to afford violating establishments an opportunity to rectify

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“Nafis”  
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initiatives in  
the country  
to support  
Emiratization  
in the private  
sector and  
enhance the  
participation of  
national talent  
in economic  
development

their status and remedy their unlawful practices, the legislator has further restricted the Public Prosecution from initiating criminal proceedings directly under the provisions of the above article, except upon a request made by the Minister of Human Resources and Emiratization or his delegate. Accordingly, when a labor court issues a final and binding judgment establishing the existence of fictitious Emiratization, it shall refer the case papers to the Office of the Minister of Human Resources and Emiratization, so that the Minister may decide whether or not to request the initiation of criminal proceedings against the violating establishment. This collaborative mechanism contributes effectively to curbing the spread of this harmful practice, prevents the depletion of state resources, and ultimately enhances the development of a successful labor market.

As a consequence of this exception regarding the initiation of criminal proceedings, the legislator has adopted the concept of criminal reconciliation with respect to the offense stipulated in the above article, as reconciliation is a legal process aimed at amicably resolving the criminal dispute between the litigants and remedying the resulting harm, thereby contributing to economic stability in cases of this nature. Such reconciliation requires that the offense be one which is legally reconcilable, and that reconciliation be permitted only for offences expressly authorized

by law that do not affect public order or state security, resulting in the dismissal of the criminal case or the suspension of the execution of the judgment issued against the violating establishment, the same article further affirms the Ministry's authority to enter into reconciliation with respect to such offenses, upon the request of the employer and prior to the issuance of a judgment, in exchange for the payment of not less than (50%) of the minimum prescribed fine for the offense, in addition to the employer's repayment of all financial incentives previously obtained by their Emirati employees appointed fictitiously. Consequently, the criminal action is dismissed upon payment of the reconciled amount.

These measures demonstrate the obligation of the relevant authorities to combating the practice of fictitious Emiratization and ensuring compliance with genuine Emiratization requirements in the labor market. Fictitious Emiratization neither enhances the skills of Emiratis nor improves the productivity of establishments; rather, it undermines the true targets of Emiratization policy. In conclusion, “Nafis” Program stands as one of the State's pioneering initiatives to support Emiratization in the private sector and to strengthen the participation of national talent in economic development. With its continuous evolution and adaptation to market needs, experts foresee the Program achieving further successes in the coming years, thereby advancing the

realization of the UAE Vision 2071 and building a strong, sustainable economy rooted in national talents. Accordingly, fictitious Emiratisation poses a serious threat to the success of the Program. Nevertheless, through strict legislation, rigorous oversight, revised support conditions, and the reinforcement of a culture of compliance, the exploitation of the Program can be prevented, ensuring the achievement of its genuine targets in promoting the effective employment

of Emiratis in the private sector. In this regard, Federal Decree-Law No. (33) of 2021 and its 2024 amendments represent a significant step forward in strengthening Emiratisation policies within the State, focusing on combating fictitious Emiratisation through strict monitoring mechanisms and severe penalties, while encouraging genuine Emiratisation that yields tangible benefits for Emiratis and the national economy.





# The Legal Nature of Khul'

## According to Personal Status Law No. 41 of 2024



**His Excellency Judge Dr.  
Jassim Mohammed Al Hosani**

It is established, in accordance with the provisions of Islamic Sharia, the Constitution of the United Arab Emirates, and Personal Status Law No. 41 of 2024, that the family is the foundation of society; and with the soundness and stability of families, societies are set aright. This is achieved through the establishment of a family grounded in compassion, mercy, kind treatment, and mutual obligations between spouses. In this regard, Allah Almighty says: "And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely, in this are signs for people who reflect. Among the manifestations of Islamic Sharia and the legislative system's concern for the family is that

marriage has been made the sole lawful means to establish it. Marriage is regarded as the most sacred of bonds, which Allah Almighty described in His Book as a “firm commitment” in the verse: “And how could you take it back after having enjoyed each other intimately and she has taken from you a firm commitment?” Within this context, Article (15) of the Constitution provides that the family is the foundation of society, based on the Islamic religion, morality, and love of the homeland, and that the law shall safeguard, preserve, and protect it from deviation. Although the provisions of Islamic Sharia and the law show great concern for the continuity of the marital bond, so that it may serve as a wholesome building block of society, they also acknowledge situations of discord between spouses. For this reason, divorce is permitted as a last resort for dissolving the marital bond, and only according to the relevant Sharia and legal conditions. Among these provisions is that a woman may seek divorce or khul’ where valid grounds exist that justify such a request. This is based on the Hadith narrated by Al-Bukhari from Ibn ‘Abbas (may Allah be pleased with them), wherein the wife of Thabit ibn Qais came to the Prophet (peace be upon him) and said, “O Allah’s Messenger (peace be upon him)! I do not blame Thabit for defects in his character or his religion, but I, being a Muslim, dislike to behave in an un-Islamic manner (if I remain with him).” On that Allah’s Messenger (peace be upon him) said (to her), “Will you give back the garden which your husband has given you (as Mahr)?” She said, “Yes.” Then the Prophet (peace be upon him) said to Thabit, “O Thabit! Accept your garden, and divorce her once.” However, a woman may not request divorce or khul’ unless valid grounds exist that justify such a

request, such as mistreatment by the husband. This is based on the Hadith narrated by Abu Dawud, Al-Tirmidhi, and Ibn Majah from Thauban (may Allah be pleased with him), in which the Messenger of Allah (peace be upon him) said: “If any woman asks her husband for divorce without some strong reason, the odour of Paradise will be forbidden to her.” This narration was graded as Sahih by Al-Albani in Sahih Abu Dawud. The Personal Status Law adheres to these principles and has regulated the provisions of khul’<sup>(1)</sup> after consummation of the marriage in Articles (65 to 68). The Law defines khul’ as a dissolution of the marriage between the spouses initiated at the wife’s request and contingent upon the husband’s acceptance of the compensation offered by the wife or by another party. Khul’ results in an irrevocable divorce with minor separation. In practice, the wording of this definition, particularly the phrase “and the husband’s acceptance of the compensation”, has led some to conclude that the husband does not possess the right to reject the khul’ itself, and that his role is limited solely to accepting or rejecting the compensation. Consequently, this view characterizes khul’ as a unilateral act exercised by the wife, obligating the judge to grant the request without examining the grounds for the application or any alleged harm. Nevertheless, upon a close examination of the legal provisions governing khul’, I am of the view that the legal nature of khul’ is that it constitutes a contract of consensual consideration contracts<sup>(2)</sup>, and that a wife’s claim for khul’ is inadmissible without the husband’s consent. The judge may also reject the request for khul’ where the claim file and facts do not demonstrate that the husband has acted abusively or arbitrarily in refusing khul’, or that the wife

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**The family is the foundation of society, based on Islamic religion, morality, and love of country. The law guarantees its existence, preserves it, and protects it from deviance**

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It is not  
permissible to  
agree that the  
compensation  
in a divorce  
settlement  
should be the  
waiver of any of  
the children's  
rights,  
expenses,  
or custody,  
as these are  
related to the  
children's  
rights or  
custody  
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has suffered harm as a result of such refusal<sup>(3)</sup>. The use of the phrase “the husband’s acceptance of the compensation” in the Law does not alter this conclusion. The husband’s acceptance of the compensation necessarily includes his acceptance of both the khul’ and its consideration. This is an example of referring to the part while intending the whole, for the whole is dependent on this part and cannot be completed without it. The mention of the compensation highlights its essential role in the khul’, for khul’ cannot be validly concluded without compensation. Accordingly, the legal nature of khul’ under the Personal Status Law is that it is a contract formed by the mutual consent of both parties. This view finds further support in the law, as Paragraph (4) of Article (66) provides that: “If the husband obstinately<sup>(4)</sup> refuses to accept the compensation<sup>(5)</sup>, the court shall order the khul’ in exchange for appropriate compensation to be determined by the court.” The use of the term “mukhal’ah” indicates a meeting of the wills of both spouses to end the marital bond, which implies that a claim for khul’ is inadmissible unless the husband consents to the mukhal’ah. This view is reinforced by the approach adopted by the law concerning the annulment of the marriage contract before consummation or seclusion. Article (76) of the Law states: “1. The court shall annul the marriage contract where the wife requests annulment before consummation or seclusion and the husband refuses to divorce her or to conclude a mukhal’ah, provided that she returns the dowry she has received, reconciliation between them proves impossible, and without the need to inquire into or prove any grounds of harm.” 2. If the wife requests the annulment of the marriage

contract before consummation or seclusion for a reason attributable to her, she shall be required to return the dowry, as well as any expenses the husband incurred at her request for the purpose of marriage, if the husband so demands.” This provision means that the Law requires the court to grant the annulment of the marriage contract upon the wife’s request before consummation or seclusion, provided that she returns the dowry she received and the husband refuses to divorce her or to conclude a mukhal’ah. It is noteworthy that the Law gives effect to the husband’s will by making his refusal to conclude mukhal’ah one of the conditions for accepting the wife’s request for annulment. It would be illogical for the Law to recognize the husband’s will in khul’ before consummation, yet disregard it after consummation, childbirth, and the establishment of the family, an institution that shall be preserved. Therefore, it may be summarized that the Law does not adopt certain other jurisdictions<sup>(6)</sup> that characterize khul’ as a unilateral act performed solely by the wife, obliging the judge to grant the khul’ without the husband’s consent<sup>(7)</sup>. Rather, khul’ is concluded through the meeting and concurrence of both wills, whereby the offer made by the wife matches the acceptance of the husband. This occurs when both spouses express their intentions verbally or in writing, for example, when the wife says to the husband: “I seek khul’ from you in exchange for specified consideration,” whether such consideration consists of returning the dowry, or waiving any remaining deferred portion thereof. The consideration shall be valid property, payable either immediately or in the future, and shall be of lawful value and capable of being the subject of transactions. Accordingly, it may consist of money or



tangible assets, whether movable or immovable, or their usufruct; or it may be a lawful benefit, such as performing a specific act, refraining from an act, submitting a particular service; or it may be a right of monetary or non-monetary value. Whereas the compensation or consideration in khul' represents the wife's redemption of herself from the marital bond, it may not involve any right pertaining to the children, such as their maintenance or custody. In order to

eliminate disputes that previously arose when khul' was conditioned upon the wife's commitment to bear the children's expenses for a certain period or throughout the custody term, Paragraph (3) of Article (66) of the Law expressly states that: "It shall not be permissible to agree that the consideration in khul' includes the waiver of any of the children's rights, their maintenance, or their custody, as these are rights pertaining to the children."

### footnotes

1. Linguistically, khul' denotes removal and detachment. It is said, "A man takes off his garment" when he removes it, and "the husband khala'a' his wife" when he terminates the marital bond.
2. Although the Law requires the khul' to be formally documented in accordance with the applicable procedures before the competent court within a maximum period of fifteen (15) days, such written documentation is for evidentiary purposes, not for the formation of the contract. This requirement shall not alter the fact that mukhal'ah remains, in its legal nature, a consensual contract.
3. It is legally established in the jurisprudence of the Dubai Court of Cassation that determining whether the wife has suffered harm and whether the husband has acted arbitrarily in refusing to accept the khul' consideration falls within the discretion of the Trial Court. The trial court has full authority to understand the fact in lawsuit, to assess the evidence, adopt what it deems credible, and disregard all other evidence, provided that its judgment is based on reasonable grounds that has a basis in the papers and leads logically to the conclusion reached.
4. Obstinacy is derived from hardship, and among the meanings of hardship are distress, difficulty, severity, hardship, harm, and sin.
5. The question that arises is what is the position of the law if it is proven to the court that the husband is not being obstinate in refusing the compensation? That is, if the compensation offered by the wife is less than the expenses she requested for the marriage, and before examining the legal position in this case, it is important to note that a legal or religious text has meanings understood from its wording, as well as meanings understood through other means not explicitly stated. One such means is the implication of the word—by way of its opposite implication—which implies a meaning contrary to the meaning understood from the wording. This implication is called the implication of the opposite implication of what is left unsaid, meaning establishing the opposite of the ruling of the explicit statement, which is restricted by a condition, for what is left unsaid when the condition is absent. Therefore, if the condition is absent and the ruling of the explicit statement is permissibility, then the ruling of what is left unsaid is impermissibility. Scholars of jurisprudence have mentioned several types of restrictions, the most important of which are condition, purpose, number, and quality. Applying the above to the text of paragraph four of Article 66 of the law, which states: "If the husband refuses to accept the compensation for khul' (divorce by mutual consent) obstinately, the court shall rule for khul' in exchange for a suitable compensation that it determines," we find that this text is restricted by a condition for the ruling to be established. When the condition is absent, the opposite ruling is established. The explicit meaning of this article is: that the court rules for khul' in exchange for A suitable compensation is required if the husband is obstinate in refusing the compensation for khula (divorce initiated by the wife). This implies, by way of conversely, that the court does not have the authority to grant khula and must instead reject the request for it. This applies if the husband is not obstinate. To argue otherwise could lead to a ruling that is not only unintentional but also detrimental to the parties involved, specifically the wife. She might offer the husband a specific compensation, but the court would then award more than what she offered, thus harming her.
6. Such as Egyptian and Jordanian law.
7. It is permissible to divorce between two spouses who are fully competent, and it is also permissible to give compensation in divorce if the person giving the compensation is competent.



**His Excellency Judge Dr.  
Saeed Al Shaali**



## Article 474

### Violation of the sanctity of another's property

Theft crimes committed in inhabited premises, such as houses or their equivalents, are always associated with the charge of violating the sanctity of another's property, as stipulated under Article 474 of Federal Decree-Law No. 31 of 2021 on the issuance of the Crimes and Penal Code and its amendments. The said Article provides that anyone who enters an inhabited place, a place prepared for habitation or one of its appurtenances, a place prepared for the safekeeping of money, or any real property, against the will of the person concerned and in circumstances other than those prescribed by law, shall be punished by imprisonment for a period not exceeding one year or by a fine not exceeding ten thousand dirhams (AED 10,000). The same applies to anyone who remains therein against the will of the person entitled to expel him, or who is found concealing himself from the sight of such person. The court shall

also order the convict to vacate the place where the crime was committed.

With reference to the term "inhabited place," it refers to any premises actually occupied by a person or group of persons who live therein. A "place prepared for habitation" refers to a unit equipped for human residence but not yet occupied by its intended residents. The term "one of its appurtenances" denotes an independent housing unit located on the same property as a principal dwelling, considered to form part of the main residence. As for the term "a place prepared for the safekeeping of money," it refers to premises designated for the custody of funds, such as banks, which are regarded as a special type of residence in that they are intended to protect money rather than serve as a place of residence or work. This term may also include commercial premises used for storing money. The legislator has stipulated



**An inhabited place is any place**

**where a person or group of people actually live**



that all such acts must be committed against the will of the person concerned, meaning that entry occurs without the consent or approval of the individual who holds the right to make decisions or exercise authority over the matter. Likewise, the provision covers cases where a person remains in a dwelling against the will of the individual entitled to expel him, or conceals himself therein from that person. This applies, for instance, where an individual resides in a property owned by another and, upon being requested by the owner to vacate and surrender possession, refuses to comply.

A case before the Juvenile Division of the Criminal Court of First Instance drew my attention in this respect, recalling pleasant memories of the past when we used to play football in the residential neighborhood where we lived. The juvenile defendant in that case was referred to court on the charge of violating the sanctity of another's property. The case file revealed that the juvenile was seventeen years of age and, while playing football in his neighborhood with his friends, the

ball accidentally landed in the yard of a nearby house. Instead of knocking on the door and seeking the owner's permission, the juvenile climbed over the wall and entered the yard in that manner. The homeowner, who happened to be sitting in the yard at the time, witnessed the juvenile entering in this way and immediately notified the police. The police arrived at the scene, arrested the juvenile, and conducted an investigation before referring the case to the court. The juvenile explained his conduct by stating that he did not realize that his act amounted to the commission of a crime.

In conclusion, a legitimate question may arise, after reviewing the provisions of the aforementioned Article, whether it is permissible for third parties to enter an inhabited premise under circumstances of danger or emergency. For instance, in the event of a fire breaking out in such a residence, would the entry of firefighters or police officers, without following the legal procedures stipulated by law constitute a criminal offense punishable thereunder, or not?

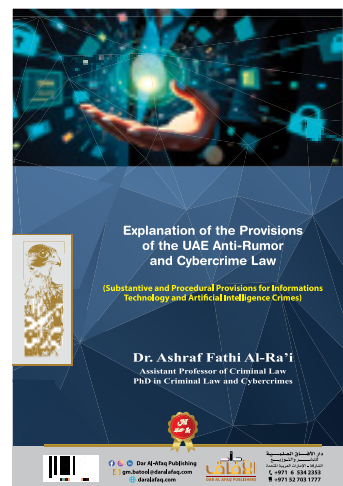


## Explanation of the Provisions of the UAE Anti-Rumor and Cybercrime Law (Substantive and Procedural Provisions for Informations Technology and Artificial Intelligence Crimes)

Author: **Dr. Ashraf Fathi Al-Ra'i**

Publisher: **Dar Al Afaq Al Ilmiyah Pub. & Dist.**, Sharjah, 2025, 278 pages.

This book delves into numerous details concerning the United Arab Emirates, which is considered a leading model in terms of its legislative and cybersecurity infrastructure, as well as its pioneering role in digital innovation. The book adopts a comparative approach, analyzing Emirati legal texts in light of global legislative experiences, thereby enhancing legal awareness and providing a valuable resource for the academic and professional communities.



## Federal Civil Procedure Law of the United Arab Emirates

Author: **Dr. Mohammed Ali Sweilem**

Publisher: **Dar Al Nahda Al Ilmiya**, Sharjah, 2025, 3 volumes.

This book provides an explanation and analysis of the Federal Civil Procedure Law of the United Arab Emirates, with commentary based on legal opinions and judicial rulings. It includes legal texts, scholarly opinions, rulings of the Federal Supreme Court, rulings of the Abu Dhabi Court of Cassation, and rulings of the Courts of Cassation in Dubai and Ras Al Khaimah.

Volume 1: Articles 1 to 152 (Judicial Organization – Theory of Litigation).

Volume 2: Articles 162 to 605 (Judicial Rulings and Methods of Appeal).

Volume 3: Articles 602 to 333 (Enforcement and Remote Litigation).

