

The Legislative Evolution of Court Jurisdiction over Cases Involving Ministries and Government Entities

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Abstract

The jurisdiction over disputes involving federal entities and ministries in the United Arab Emirates has evolved through several legislative stages. Initially, according to the procedural legislation, jurisdiction over such disputes was assigned to the comprehensive circuit of the primary court, regardless of the subject matter's value. Subsequently, an amendment allocated jurisdiction to the comprehensive circuit of the Federal Primary Court in the Emirate of Abu Dhabi, with the potential for the same court in other emirates to handle disputes involving federal entities and ministries. Following the repeal of previous legislation and the enactment of the new procedural law, No. 42 of 2022, exclusive subject matter jurisdiction for disputes involving federal entities and ministries was conferred upon the Federal Primary Court in the Emirate of Abu Dhabi, designating it as the sole competent court for these disputes. This legislative evolution, has led us to address this topic in two sections: The first section examines jurisdiction over disputes involving

ministries and federal entities prior to the issuance of Federal Decree-Law No. 42 of 2022. The second section explores jurisdiction over these disputes under Federal Decree-Law No. 42 of 2022. At the conclusion of the study, we will propose a set of recommendations as legislative solutions to the UAE procedural legislator, based on our analysis of the legislative texts reviewed.

Keywords: Procedural Legislation, Federal Primary Court, Jurisdiction ‘Ministries and Federal Entities‘ Disputes.

مراحل التطور التشريعي لاختصاص المحكمة الابتدائية بنظر المنازعات التي تكون الوزارات والجهات الاتحادية طرفاً فيها

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المستخلص

تطور الاختصاص القضائي على المنازعات التي تشمل الجهات والوزارات الاتحادية في دولة الإمارات العربية المتحدة عبر عدة مراحل تشريعية. في البداية، ووفقاً للتشريع الإجرائي، كان الاختصاص في مثل هذه المنازعات للدائرة الشاملة بالمحكمة الابتدائية، بغض النظر عن قيمة الموضوع. وفي وقت لاحق، تم تعديل الاختصاص القضائي للدائرة الشاملة للمحكمة الابتدائية الاتحادية في إمارة أبوظبي، مع إمكانية أن تتولى نفس المحكمة في الإمارات الأخرى التعامل مع المنازعات التي تشمل الجهات والوزارات الاتحادية. بعد إلغاء التشريعات السابقة وصدور قانون الإجراءات الإجرائية الجديد رقم 42 لسنة 2022، تم منح الاختصاص الموضوعي الحصري للفصل في المنازعات التي تشمل الجهات والوزارات الاتحادية إلى المحكمة الاتحادية الابتدائية في إمارة أبوظبي، وتخصيصها باعتبارها المحكمة الابتدائية المحكمة المختصة الوحيدة بهذه النزاعات. وقد دفعنا هذا التطور التشريعي إلى تناول هذا الموضوع في قسمين: القسم الأول تناول الاختصاص في المنازعات التي كانت تخص الوزارات والجهات الاتحادية قبل صدور المرسوم بقانون اتحادي رقم 42 لسنة 2022. أما المبحث الثاني فقد تناول الاختصاص في هذه المنازعات بموجب المرسوم بقانون اتحادي رقم 42 لسنة 2022. وفي ختام الدراسة سنقترح مجموعة من التوصيات كحل تشريعية للمشرع الإجرائي الإماراتي، استناداً إلى تحليلنا للوضع التشريعي تمت مراجعة النصوص.

الكلمات المفتاحية: التشريع الإجرائي، المحكمة الاتحادية الابتدائية، الوزارات والجهات الاتحادية، الاختصاص القضائي، النزاعات.

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Introduction

Both federal and local judiciary systems in the UAE are constrained by the limits of their judicial authority, with courts and judicial bodies adhering to their prescribed jurisdiction as defined by law. The types, hierarchy, and scope of the jurisdiction of federal courts are detailed in the UAE Constitution, Federal Decree-Law No. 32 of 2022 on the Federal Judicial Authority, Federal Decree-Law No. 33 of 2022 concerning the Federal Supreme Court, and Federal Decree-Law No. 42 of 2022 on the Civil Procedure Law. The jurisdiction of the local judiciary is defined in the constitution and various local judicial authority laws.

The jurisdiction over cases involving government entities has evolved over several stages. Under the previous civil procedure law of the UAE, No. 11 of 1992 and its amendments, this jurisdiction was assigned to the comprehensive circuit of the Federal Primary Court, regardless of the claim's value, whether the state was the plaintiff or the defendant. Subsequently, the law specified that these cases would be heard by the Federal Primary Court in Abu Dhabi, the capital, to be closer to federal institutions and public entities, thereby reinforcing the principle of the federal constitution in disputes involving the state and individuals. However, this court could convene in any other emirate's capital when necessary to facilitate access to justice and avoid hardship for litigants, as stipulated in Article 25. This provision was amended by Article 1 of Federal Law No. 30/2005 on November 30, 2005, and later replaced by Article 2 of Federal Law No. 10/2014 on November 20, 2014.

Federal Decree-Law No. 42 of 2022 on the Civil Procedure Law mandates that disputes involving ministries and federal entities (whether as plaintiffs or defendants) are to be exclusively heard

by the Abu Dhabi Federal Primary Court. This establishes both exclusive subject matter and territorial (local) jurisdiction to the Abu Dhabi Federal Primary Court. It is generally accepted that the subject matter jurisdiction for disputes involving ministries and federal entities is a matter of public order, given the legislator's emphasis on the exclusive jurisdiction of the Abu Dhabi Federal Primary Court for these disputes, as indicated in the second clause of Article 24 of the aforementioned law.

This is also affirmed in the 1971 Federal Constitution, Article 102, which states: "The Union shall have one or more Federal Primary Courts convening in the permanent capital of the Union (Abu Dhabi) or in some of the emirates' capitals to exercise jurisdiction within their jurisdictional areas over the following cases: civil, commercial, and administrative disputes between the Union and individuals, whether the Union is a plaintiff or defendant."

First: Research Problem

Federal courts in the UAE have jurisdiction over all types of cases, including civil, commercial, administrative, and labor-related, when the Union is a party. The legislator has not excluded any case type based on subject matter or value, reserving this jurisdiction solely for federal courts when federal administrative entities are involved. This implies that the state or one of its entities, interests, or institutions must be a party to the dispute, having a significant connection to the dispute beyond merely being named in the case.

Given the evolution of the courts' jurisdiction over disputes involving ministries and government entities, a fundamental question arises: **What is the most appropriate legislative phase for the jurisdiction of courts over cases involving federal entities?**

Research Questions:

To address this primary question, the following sub-questions are posed to comprehensively understand the subject of the study:

1. What is the jurisdiction over cases when the Union is a party under Federal Civil Procedure Law No. 42/2022?
2. Is it permissible for the courts competent to hear disputes involving federal entities to convene in any of the other emirates' capitals?
3. What is the evaluation of each of the three of law amendments?

Second: Importance of the Research

The study's significance lies in the potential for jurisdictional and judicial competence disputes over cases involving the Union, a common occurrence despite legislative efforts to avoid them. In the UAE, specific factors heighten the likelihood of such disputes, including the multiplicity of legal provisions governing these matters, the independence of some emirate judiciaries from the federal judiciary, and the overlap of judicial rulings on these issues.

Third: Research Objectives

The study aims to:

1. Understand and evaluate the phases of jurisdiction development over disputes involving the state, under both the previous and current Civil Procedure Laws. (**Main Objective**).
2. Determine judicial jurisdiction over disputes involving ministries and federal entities.
3. Identify instances of jurisdictional conflicts in administrative disputes involving the Union.
4. Assess the extent of the conflict between Article 24 of the current Civil Procedure Law and Article 4 of the Judicial Authority Law No. 32 of 2022.

5. Highlight issues in determining the competent court for cases involving the Union.

Fourth: Research Methodology

The researcher employed two methodologies in this study:

1. Descriptive Method: This approach focused on describing and evaluating the phases of jurisdiction development in disputes involving the state, detailing their provisions, and identifying areas requiring further research and analysis.

2. Analytical Method: This approach involved studying and examining issues identified through the descriptive method, analyzing Article 25 of Federal Civil Procedure Law No. 11 of 1992 and its amendments in 2005 and 2014, as well as Article 24 of Federal Decree-Law No. 42 of 2022 on the Civil Procedure Law.

Fifth: Research Plan

The study is structured into two sections:

Section One: Jurisdiction over Disputes Involving Ministries and Federal Entities before the Issuance of Federal Decree-Law No. 42 of 2022

Subsection 1: The legislator's stance under the first Civil Procedure Law No. 11 of 1992.

Subsection 2: The legislator's stance following the amendment of the Civil Procedure Law by Federal Law No. 30 of 2005.

Subsection 3: The legislator's stance following the amendment of the Civil Procedure Law by Federal Law No. 10 of 2014.

Section Two: Jurisdiction over Disputes Involving Ministries and Federal Entities under Federal Decree-Law No. 42 of 2022

Subsection 1: The exclusive jurisdiction of the Abu Dhabi Federal Primary Court.

Subsection 2: The evaluation of the development stages of legislative solutions concerning the jurisdiction over cases involving ministries and government entities.

Conclusion: This section will summarize the results and provide recommendations.

Section One

Jurisdiction over Disputes Involving Ministries and Federal Entities before the Issuance of Federal Decree-Law No. 42 of 2022

Federal primary courts are authorized to adjudicate personal status, civil, commercial, and other cases among individuals.¹ According to Article 25 of the Federal Civil Procedure Law, federal courts possess jurisdiction over civil, commercial, administrative, and labor cases, as well as personal status matters, initially through the primary courts, based on rules of subject-matter, value, and territorial jurisdiction as prescribed in the Civil Procedure Law.²

This section is organized into three subsections:

Subsection 1: The legislator's stance under the first Civil Procedure Law No. 11 of 1992.

Subsection 2: The legislator's stance after the amendment of the Civil Procedure Law by Federal Law No. 30 of 2005.

Subsection 3: The legislator's stance after the amendment of the Civil Procedure Law by Federal Law No. 10 of 2014.

Subsection 1

The Legislator's Stance under the First Civil Procedure Law No. 11 of 1992

Article 25 of the Federal Civil Procedure Law No. 11 of 1992³ stipulates that federal primary courts have jurisdiction over cases where the Union is a party, whether the case is civil, commercial, or administrative. It is required that the Union be a party to the dispute, meaning that the primary court in the capital, Abu Dhabi, is the competent court for cases involving federal entities. However, the court is also permitted to convene outside the capital, such as in Sharjah, Ajman, Fujairah, or Umm Al-Quwain. The specifics are detailed as follows:

1. The Union Being a Party to the Dispute

Federal primary courts have jurisdiction over all civil, commercial, and administrative disputes where the Union is a party,⁴ whether represented by a ministry or a federal entity. This jurisdiction applies irrespective of the geographical location of the ministry or federal entity, as the geographical boundaries of the entity are not a criterion for determining its federal or local status.⁵

2. The Status of the Union in the Lawsuit

Federal primary courts have jurisdiction over disputes where the Union is a party, whether as a plaintiff or a defendant, in civil, commercial, and administrative matters. This jurisdiction applies whether the Union is a principal, intervening, or joining party in the lawsuit, regardless of whether the other parties are local entities from any emirate.⁶

3. The Inviolability of This Jurisdiction

Since the jurisdiction granted to federal primary courts originates from the Constitution, it can only be altered by another constitutional provision. The criterion for this jurisdiction is based

on the fundamental status of the party, meaning the federal entity's involvement in the dispute.⁷

In applying this principle, the Dubai Primary Courts have ruled that: "The court initially addresses the plea raised by the first defendant regarding the lack of jurisdiction of Dubai courts to hear the lawsuit against it as a federal government entity. This plea is valid because Article 25 of the Civil Procedure Law, as amended by Law No. 10 of 2014, stipulates that primary courts have jurisdiction over civil, commercial, administrative, labor, and personal status disputes, except for disputes in which the Union is a party, which fall under the jurisdiction of federal courts.

Whereas it is established in the jurisprudence of the Court of Cassation that matters concerning court jurisdiction are examined ex officio by the court, as they pertain to public order, and are considered inherent to the proceedings and are always addressed by the trial court. Furthermore, courts have general jurisdiction to resolve all disputes of any nature and involving any parties unless the resolution is assigned by the Constitution or the law to another authority (Appeal No. 94 of 2012, Real Estate Session, February 28, 2013).

Applying this to the facts of the case, the court, upon reviewing the establishment law of the first defendant (Al Qassimi Hospital), determined that it is the largest government hospital in Sharjah, belonging to the Federal Ministry of Health and established in May 1991 as an educational hospital affiliated with higher education. Therefore, it is a federal entity, and the court does not have jurisdiction over the lawsuit against it. Consequently, the court ruled accordingly in its decision without the referral stipulated in Article 85/2 of the Civil Procedure Law, as amended, as will be detailed in the ruling.

Regarding the subject matter of the lawsuit, the court laid the groundwork for its ruling based on the legal principles governing the case's facts, applying the substantive provisions necessary for the dispute, which occurred under the applicable law. This is consistent with the established legal principle of non-retroactivity of laws. According to Article 14 of Law No. 10 of 2008 concerning medical liability, which applies to the facts of the case occurring before the issuance of the new Decree-Law No. 4 of 2016, the substantive provisions of the former law apply to the case filed for incidents that occurred in 2014, as evidenced by the lawsuit and its documents.

Subsection 2

The Legislator's Stance after Amending the Civil Procedure Law by Federal Law No. 30 of 2005

Article 25 of the amended Civil Procedure Law by Federal Law No. 30 of 2005 stipulates: "The federal courts shall have jurisdiction to hear all civil, commercial, and administrative disputes."⁸ This implies that federal courts have jurisdiction over all civil, commercial, and administrative disputes, meaning that the primary courts in Sharjah, Ajman, Umm Al-Quwain, or Fujairah possess the same jurisdiction as the primary court in Abu Dhabi.⁹ In other words, all the mentioned federal primary courts are equal in adjudicating disputes without prioritizing the federal court in Abu Dhabi.

Given that ministries and federal government entities are headquartered in Dubai, alongside local government entities under local jurisdiction, this provision has led to numerous disputes between federal entities and local courts. For instance, if a federal entity headquartered in Dubai files a dispute with another party, and the primary lawsuit is filed in Dubai, a local

primary court cannot adjudicate on a matter involving the Union. Thus, the legislative amendment was necessary.

Disputes before the federal court encompass general disputes involving different parties, including disputes between administrative entities within the state, between administrative entities and individuals, or vice versa. Individuals may be natural persons or legal persons.¹⁰ The federal court's jurisdiction is comprehensive, covering all aspects of civil, commercial, or administrative disputes. Such a federal court is a unified entity with jurisdiction over all Emirates.¹¹

The rationale behind this is that the UAE legislator preferred that the courts of first instance in the state be federal courts, supporting the unity of the judicial system, reducing overlap and duality, and preventing its division into federal and local judiciary systems. This approach strengthens political unity among the various Emirates and legislative unity, as these courts primarily apply federal laws, rather than having some courts follow federal laws while others follow local laws.

In practice, federal courts are present only in the Emirates subject to federal judiciary oversight, except for Abu Dhabi. As the capital of the Union, Abu Dhabi has both federal courts under the federal judiciary and local courts under Abu Dhabi's local judiciary.

Article 102 of the UAE Constitution states: "The Union shall have one or more federal primary courts which convene in the permanent capital of the Union or in the capitals of some Emirates to exercise jurisdiction within their scope in the following cases:

1. Civil, commercial, and administrative disputes between the Union and individuals, whether the Union is a plaintiff or a defendant.

2. Crimes committed within the boundaries of the permanent capital of the Union, except for those under the jurisdiction of the Federal Supreme Court under Article 99 of the Constitution.

3. Personal status cases and other civil and commercial cases between individuals arising in the permanent capital of the Union. In application of this, the Federal Supreme Court ruled in one of its judgments that Article 102/1 mentioned above indicates that “the constitutional legislator exclusively grants the federal judiciary the authority to adjudicate - among other jurisdictions - administrative disputes in which the Union is a party, whether as a plaintiff or defendant, whether the Union is an original party, a joined party, an intervening party or an impleaded party in the lawsuit”.

This jurisdiction is established for the Union even if one or more parties to the dispute belong to a local entity, as the federal judiciary's jurisdiction is a part of the federal public order that supersedes the local public order, and this jurisdiction is connected to the federal judiciary, which is an authority of the Union."

Additionally, an appeal submitted to the Federal Supreme Court involved the referral of the case from the federal judiciary to the local judiciary. Regardless of the legal correctness of the referral, this ruling exemplifies the federal courts' adherence to the referral as per Article 85 of the Civil Procedure Law. The ruling stated: "Article 102/1 of the Union Constitution indicates that the constitutional legislator exclusively grants the federal judiciary the authority to adjudicate - among other jurisdictions - administrative disputes in which the Union is a party, whether as a plaintiff or defendant, whether the Union is an original party, a joined party, an intervening party or an impleaded party in the lawsuit. This jurisdiction is established for the Union even if one

or more parties to the dispute belong to a local entity, as the federal judiciary's jurisdiction is a part of the federal public order that supersedes the local public order, and this jurisdiction is connected to the federal judiciary, which is an authority of the Union.

If the appealed ruling, and the prior ruling, contravened this view and referred the dispute to the local judiciary in the Emirate of Abu Dhabi, it would have violated the law and erred in its application and interpretation, necessitating its overturn, with the referral to the competent court in accordance with Article 85 of the Civil Procedure Law.

Subsection 3:

The Legislator's Stance after Amending the Civil Procedure Law by Federal Law No. 10 of 2014

Article 25 of the amended Civil Procedure Law by Federal Law No. 10 of 2014 stipulates: "The primary courts have jurisdiction to hear civil, commercial, administrative, labor, and personal status disputes, except for disputes in which the Union is a party, which are heard by the federal courts."¹² This articulates the general principle of territoriality in dividing cases among the first-instance courts in the state. Accordingly, primary courts have jurisdiction to hear civil, commercial, administrative, labor, and personal status cases within their territorial boundaries.¹³

By way of exception, the legislator specifically granted the federal primary courts the jurisdiction to hear cases in which the Union is a party. This jurisdiction extends to all civil, commercial, and administrative disputes involving the Union, whether the Union is a ministry or a federal entity, regardless of the geographic location of that ministry or federal entity. The geographical boundaries of the entity are not a criterion for

determining whether it is federal or local. This jurisdiction applies whether the Union is a plaintiff or a defendant in administrative, civil, or commercial disputes and whether the Union is an original party, a joined party, an intervening party or an impleaded party in the lawsuit, even if the other parties to the dispute are local entities in any Emirate.

Among the applications of this principle, as found in a ruling by the Federal Supreme Court, it is stated: Whereas the appeal was filed on three grounds: the appellant contends, in the first ground, that the appealed judgment contains a violation of the law, an error in its application, a deficiency in reasoning, and corruption in inference. The appellant argued before the Court of Appeal that the first respondent (the General Directorate of Residency and Foreigners Affairs in Dubai) is a federal entity subordinate to the Ministry of Interior according to the organizational structure of the ministry". However, the appealed judgment concluded by upholding the initial ruling that referred the case to the court in the Emirate of Abu Dhabi, considering that the General Directorate of Residency and Foreigners Affairs in Dubai is a local entity subordinate to the Government of Dubai. This is an error in the application of the law, which flaws the judgment and requires its annulment.¹⁴

And whereas this contention is sound, the text of Article (102/1) of the UAE Constitution states: "The Union shall have a Federal Primary Court or more, which shall convene in the permanent capital of the Union, or in some capitals of the emirates to exercise its judicial authority within its jurisdiction in the following cases: 1. Civil, commercial, and administrative disputes between the Union and individuals, whether the Union is the plaintiff or the defendant therein. 2. ... 3. ...". This indicates that the constitutional legislator exclusively vested the federal

judiciary with the jurisdiction to consider and decide — among other jurisdictions — the disputes in which the Union is a party, whether as plaintiff or defendant, and whether the Union is an original party, a joined party, an intervening party or an impleaded party in the lawsuit. The jurisdiction of the federal judiciary is also affirmed whether the dispute is related to a ministry or an entity subordinate to it, even if this entity exists within the geographical boundaries of another emirate.

And whereas the first respondent (the General Directorate of Residency and Foreigners Affairs in Dubai) is one of the organizational units subordinate to the Ministry of Interior, according to the ministry's system and organizational structure approved by the Cabinet of the Union under Decision No. 3 dated 11/2/1981 and its amendments, which stipulates in Article 6 the functions and apparatus of the ministry: “The General Directorate of Nationality and Residency, including the following departments and branches: 1. Nationality Department, 2. Immigration Department, 3. Administrative Affairs Department, 4. General Directorate of Nationality and Residency - Abu Dhabi, 5. General Directorate of Nationality and Residency - Al Ain, 6. General Directorate of Nationality and Residency - Dubai.”

Therefore, the Federal Primary Court in Abu Dhabi is the sole competent authority to adjudicate the dispute between the appellant and the first respondent and the remaining respondents, considering that the General Directorate of Residency and Foreigners Affairs in Dubai is a federal entity. The failure of the appealed judgment to recognize this indicates a misapplication of the law, necessitating its annulment.

Accordingly, the Federal Supreme Court ruled: "Whereas the appeal was based on a single ground, in which the appellant challenges the appealed judgment on the basis of error in the

application and interpretation of the law, claiming that the appellant is a federal entity and was properly sued in the case with requests directed towards it. The appealed judgment did not remove it from the case, and in accordance with Article (102) of the UAE Constitution, the federal judiciary is competent to hear administrative disputes in which the Union is a party. The jurisdiction of local judicial authorities is limited to judicial disputes not entrusted to the federal judiciary by the Constitution. Thus, the appealed judgment is flawed because it ruled to refer the dispute to the court in the Emirate of Abu Dhabi, considering that the remaining parties are local entities subordinate to the Government of the Emirate of Abu Dhabi, which necessitates its annulment?

This contention is sound because the text of Article (102/1) of the UAE Constitution states: "The Union shall have a Federal Primary Court or more, which shall convene in the permanent capital of the Union, or in some capitals of the emirates to exercise its judicial authority within its jurisdiction in the following cases: 1. Civil, commercial, and administrative disputes between the Union and individuals, whether the Union is the plaintiff or the defendant therein. 2. ... 3. ...".

This indicates that the constitutional legislator exclusively vested the federal judiciary with the jurisdiction to consider and decide, among other jurisdictions, administrative disputes in which the Union is a party, whether as plaintiff or defendant, and whether the Union is an original party in the lawsuit, a joined party, an intervening party, or an impleaded party. The jurisdiction of the federal judiciary is affirmed even if one or more parties to the dispute are subordinate to a local entity, considering that the jurisdiction of the federal judiciary is a matter of federal public

order, which supersedes local public order, due to its connection to the federal judiciary, which is an authority of the Union.

Therefore, the appealed judgment, and the judgment before it, deviated from this perspective and ruled to refer the dispute to the local judiciary in the Emirate of Abu Dhabi, thereby violating the law and erring in its application and interpretation, necessitating its annulment, and with the annulment, referral to the competent court in accordance with Article (85) of the Civil Procedures Law.¹⁵

Since the jurisdiction granted to the Federal Primary Courts originates from the Constitution, it cannot be revoked except by another constitutional provision, as previously mentioned. The criterion for this federal jurisdiction in disputes is based on the fundamental status of the party involved, specifically whether it is a federal entity that is a party to the dispute.¹⁶

Section Two

Jurisdiction over Disputes Involving Ministries and Federal Entities under Federal Decree-Law No. 42 of 2022

Federal Decree-Law No. (42) of 2022¹⁷ was enacted to promulgate the Civil Procedures Law, which in Articles (328) to (338) addresses provisions for the use of remote communication technology in civil procedures, aligning with the United Arab Emirates' vision to excel in all fields, including the judicial sector.¹⁸

Article (24) of the mentioned law specifies the exclusive jurisdiction of the Abu Dhabi Federal Primary Court to hear cases involving government entities, thereby definitively resolving the issue of jurisdiction for a specific entity.

Therefore, we will divide this section into two subsections, as follows:

Subsection 1: The Exclusive Jurisdiction of the Abu Dhabi Federal Primary Court.

Subsection 2: The Evaluation of the Stages of Legislative Development Regarding Jurisdiction over Lawsuits Involving Ministries and Government Entities.

Subsection 1

The Exclusive Jurisdiction of the Abu Dhabi Federal Primary Court

Article (24) of Federal Decree-Law No. (42) of 2022 on the Civil Procedures Law states: "1. The primary courts have jurisdiction over all requests, disputes, and initial claims except those specifically excluded by a special provision. 2. The Abu Dhabi Federal Primary Court exclusively has jurisdiction over all disputes involving ministries and federal entities."

This provision assigns exclusive jurisdiction to the Abu Dhabi Federal Primary Court for all disputes involving ministries and federal entities, resolving jurisdictional issues for these entities without exception.¹⁹

The text of Article (24) thus delineates the jurisdiction of the Abu Dhabi Primary Courts, confining their jurisdiction to all types of disputes, including civil, commercial, administrative, labor-related, or personal status cases, whenever the Union is a party. The federal judiciary is competent in these matters, and the legislator has not allowed jurisdiction in any capital of the emirates such as Sharjah, Ajman or any other emirate. This signifies both a subject matter and territorial jurisdiction.

The prevailing view is that the subject matter jurisdiction over cases involving ministries and federal entities pertains to the

federal public order, as the legislator affirmed that the Abu Dhabi Federal Primary Court is the sole court empowered to handle these disputes.

The Federal Supreme Court has ruled that Article (102) of the Constitution intended for the jurisdiction over disputes involving the Union to be exclusively vested in the federal judiciary, covering civil, commercial, or administrative disputes. This jurisdiction cannot be removed without a constitutional provision to the contrary.²⁰

While the Abu Dhabi Primary Courts include various chambers specialized in different types of cases,²¹ such as civil, commercial, criminal, administrative, and labor chambers, similar to the federal judiciary and their counterparts in other emirates' local judiciary, Abu Dhabi has established additional chambers for specific jurisdictions, including those dealing with tourist crimes, offenses against domestic workers, and personal status cases for non-Muslims.²²

Here arises the question of whether the Abu Dhabi Court can convene outside its original headquarters under the conditions stated in Article (4) of the Federal Judiciary Authority Law.

Article (4) of Federal Decree-Law No. (32) of 2022 on the Federal Judicial Authority states:²³ "1- Courts may not convene sessions outside their main premises except by a decision of the Federal Judicial Council. 2- Federal courts may hold sessions remotely using modern communication technology."

This means that for federal courts to convene outside their main premises, one of the following conditions must be met:

1. A decision from the Federal Judicial Council to hold court sessions outside their primary headquarters, i.e., outside Abu Dhabi City.

2. The possibility of holding federal court sessions remotely through modern technology, such as video conferencing or digital media.²⁴

This is adopted by Federal Decree-Law No. (10) of 2017 amending certain provisions of the Civil Procedures Law issued under Federal Law No. (11) of 1992, which included the addition of Chapter Six concerning electronic litigation in civil procedures. This is further supported by Federal Decree-Law No. (18) of 2018 amending certain provisions of the Civil Procedures Law,²⁵ the executive regulations of the law under Cabinet Decision No. (57) of 2018, Federal Decree-Law No. (15) of 2021 amending certain provisions of the Civil Procedures Law, Ministerial Decision No. (75) of 2021 amending certain provisions of the executive regulations of the Civil Procedures Law, Ministerial Decision No. (33) of 2020 amending certain provisions of Cabinet Decision No. (57) of 2018 regarding the executive regulations, and Ministerial Decision No. (260) of 2019 concerning the procedural guide for organizing litigation using electronic means and remote communication in civil procedures.²⁶

These amendments aim to employ modern communication technologies in the judicial system, enabling the court to perform all judicial functions authorized by law, including litigation procedures, adjudicating cases, and issuing judgments through modern communication means. This aligns with the UAE's vision to be among the best countries in the world in all fields, including the judicial sector.²⁷

Furthermore, a Ministerial Decision by the UAE Minister of Justice has defined the remote trial procedures as:²⁸ "Civil - non-criminal - litigation procedures conducted using remote communication means or electronic media to achieve remote attendance and document exchange, including case registration

and litigation procedures before the Case Management Office and the court, and issuing judgments.

Finally, Federal Decree-Law No. (42) of 2022 was enacted to promulgate the Civil Procedures Law, which in Articles (328) to (338) addresses the use of remote communication technology in civil procedures. Article (328) defines the use of remote communication technology in civil procedures as: "The use of audio-visual communication means between two or more parties to achieve remote presence and exchange of documents, including the registration of the lawsuit, notification procedures, trial, and execution carried out through the use of such technology."

Notably, the UAE ranks among the most developed e-governments globally, 13th worldwide according to the 2022 E-Government Development Index (EGDI).²⁹

In the context of Article (25) of Federal Decree-Law No. (32) of 2022, which states, "Exempting from the provisions of the previous article, each Emirate may establish committees exclusively responsible for considering disputes related to rental contracts between the landlord and tenant, and they may organize the procedures for enforcing the decisions of these committees."

It may be mistakenly inferred that disputes involving the state related to rent should be addressed by the rental committee in the Emirate where the dispute arises. However, this is incorrect, as previously stated. There is a constitutional provision that excludes the jurisdiction of all other courts from considering disputes involving ministries and federal entities.³⁰ This jurisdiction cannot be removed except by a constitutional provision. If there is a contradiction with the constitution, corrective measures should be taken, as emphasized by Article (101) of the Federal Constitution.³¹

The original intent of the legislator in Article (25) was for specialized committees in each Emirate to handle disputes over rental contracts between landlords and tenants, exempting them from the judiciary's jurisdiction. This allows each Emirate to implement policies and procedures suited to its affairs and needs, considering the importance and sensitivity of rental issues in society.³²

Subsection 2

The Evaluation of the Stages of Legislative Development Regarding Jurisdiction in Lawsuits Involving Ministries and Government Entities

A comparative analysis of Article (25) of the Federal Civil Procedures Law No. (11) of 1992 and its amendments in 2005 and 2014, with Article (24) of Federal Decree-Law No. (42) of 2022, which enacts the Federal Civil Procedures Law, reveals several key observations:

1. The wording specified in Article (25) of the Federal Civil Procedures Law No. (11) of 1992³³ does not differ from the wording in Article (25) of the amendment to the Civil Procedures Law by Federal Law No. (10) of 2014,³⁴ which left the jurisdiction to the Federal Primary Court to hear lawsuits involving government entities. However, Article (1) allowed the court, when necessary, to convene in any of the capitals of the Emirates in addition to the Federal Primary Court in Abu Dhabi.
2. The wording in Article (25) of the amendment to the Civil Procedures Law by Law No. (30) of 200³⁵ was limited and concise. It addressed the jurisdiction of federal courts over all civil, commercial, and administrative disputes without specifying lawsuits involving government entities. This provision caused numerous issues between federal entities and the local judiciary

regarding the jurisdiction over lawsuits involving federal entities, necessitating legislative amendment.

3. The wording in Article (24) of the Federal Decree-Law No. (42) of 2022 on Civil Procedures³⁶ clearly expresses in its second paragraph the exclusive jurisdiction of the Abu Dhabi Federal Primary Court to hear all disputes involving ministries and federal entities. This text is considered most appropriate as it aligns with Article (102) of the UAE Constitution. Furthermore, the current text is not affected nor causes ambiguity if any Emirate wishes to separate from the federal judiciary, similar to the independence of the Abu Dhabi judiciary in 2006.³⁷

4. Regarding the possibility of the Abu Dhabi Court convening outside its original location, Article (4) of the Federal Decree-Law No. (32) of 2022 on the Federal Judicial Authority³⁸ mentions two cases: one being by a decision of the Federal Judicial Council, or by holding trial sessions remotely using modern communication technology.

Conclusion

The Federal Constitution issued in 1971 stipulated in Article 102 that the Union shall have one or more Federal Primary Courts convened in the permanent capital of the Union (Abu Dhabi) or in some of the Emirate capitals to exercise jurisdiction within their scope over civil, commercial, and administrative cases between the Union and individuals, whether the Union is the plaintiff or the defendant. This was affirmed by Article 25 of the Federal Civil Procedures Law No. 11 of 1992 and its amendments in 2005 and 2014, as well as Article 24 of Federal Decree-Law No. 42 of 2022. Each stage was expressed differently by the legislator, as detailed in this study with both criticism and commendation as necessary.

This means that the provision went through three stages: the first stage allows the court to convene in Abu Dhabi and may convene in other capitals of the emirates; the second stage allows it to convene in all federal courts; and the third stage restricts it to convene only in the Federal Primary Court in Abu Dhabi, with the possibility to convene elsewhere by a decision of the Federal Judicial Council as stated in Article 4 of the Federal Judicial Authority Law.

Based on the above provisions, it is evident that the Federal Primary Court in Abu Dhabi has exclusive jurisdiction over civil, commercial, and administrative lawsuits involving government entities, whether the Union is the plaintiff or the defendant. The study concluded with several findings and recommendations, as follows:

First: Results

1. The UAE legislator granted federal primary courts exclusive jurisdiction over certain lawsuits, preventing local judiciary

primary courts from considering them, while local UAE legislations define the jurisdiction of their primary courts.

2. Local judicial bodies in each Emirate handle all judicial matters not entrusted to the federal judiciary under the Constitution.

3. The legislator appropriately determined the jurisdiction of the Federal Primary Court in Abu Dhabi for lawsuits involving government entities to avoid conflicting and dual judgments.

4. Parties cannot agree to contravene jurisdictional rules, such as the jurisdiction of the Federal Primary Court in Abu Dhabi over lawsuits involving government entities. Any agreement contravening these rules is null and void.

5. Local courts must rule on their lack of jurisdiction *sua sponte*, even if no party raises the issue. Logically, the court must verify its jurisdiction over the lawsuit before addressing the dispute's subject matter.

Second: Recommendations

1. We propose that the Federal Supreme Court adopt the interpretation we have reached regarding the determination of jurisdiction between the federal and local judiciary of the Emirate of Abu Dhabi, rather than merely emphasizing that jurisdiction rules are related to public order. In this regard, and pursuant to paragraph 3 of Article (102), we suggest the following distribution of jurisdiction between the federal and local judiciary in the Emirate of Abu Dhabi: the federal judiciary shall have jurisdiction over personal status, civil, commercial, and other cases between individuals that arise in the capital of the Union, Abu Dhabi, while the local judiciary of the Emirate of Abu Dhabi shall have jurisdiction over the same types of cases.

2. Effort and coordination should be increased with primary and appellate courts in the country (federal or local) by providing them with all the principles established by the Court of Cassation

in disputes generally, to prevent the issuance of judgments that contradict the principles, interpretations, or jurisprudence established by the Court of Cassation.

3. There should be a link between the higher courts, allowing local courts to review the judgments of the Federal Supreme Court to ensure that their rulings are consistent with those of the Federal Supreme Court in similar cases.

4. The UAE legislator's approach to enabling federal courts to hold remote sessions using modern technology is commendable, given the advantages it offers to litigants. This initiative positions our country as a leader in this area. Therefore, the researcher recommends that the UAE legislator further develop the information system for the judicial authority's database, in accordance with the latest internationally recognized and adaptable programming standards.

5. It is necessary to make the necessary arrangements for comprehensive programming of the judicial system, equipping courtrooms with communication lines, computers, software, and video conferencing devices. This would enable the judges to consider lawsuits and inform plaintiffs and defendants of their content, thus allowing for comprehensive litigation through this system. This should particularly include the electronic court and the electronic chamber for enforcing civil judgments, especially in lawsuits where government entities are parties.

Endnotes

¹ Abd Al-Tawab Mubarak, *Principles of Litigation in the United Arab Emirates*, Al-Afaq Al-Mushriqa Publishers, 1st ed., 2011, pp. 128-129. See also: Abd Al-Hamid Muhammad Al-Hosani, *Litigation Procedures in Administrative Lawsuits in the United Arab Emirates*, Manshat Al-Maaref, 2013, p. 42.

² Maryam Ahmed Al-Sandal, *Explanation of the Civil Procedure Law*, in accordance with Federal Law No. 11 of 1992 and its amendments, and its regulatory bylaws issued by Ministerial Resolution No. 57 of 2018 and its amendments, and other federal and local legislations, Dar Al-Nahda Al-Arabiya: Egypt, Dar Al-Nahda Al-Ilmiya: UAE, 2021, pp. 172-173.

³ Federal Law No. 11 of 1992 concerning the issuance of the Civil Procedure Law was issued on February 24, 1992, published in Official Gazette No. 225 on March 8, 1992, and came into force on June 8, 1992.

⁴ Article 25 of the UAE Civil Procedure Law No. 11 of 1992 states: "The Federal Primary Court in the capital of the state shall have jurisdiction over all civil, commercial, and administrative disputes arising between the state and individuals, whether the state is the plaintiff or the defendant. The court may, if necessary, convene in any of the capitals of the emirates.

⁵ Federal Supreme Court - Administrative, Appeal No. 341 of 2014, and similarly in the ruling: Federal Supreme Court - Civil and Commercial Judgments, Appeal No. 10 of 1991, session date: June 18, 1991.

⁶ Appeal No. 613 of 2013, session date: March 19, 2014. Appeal No. 782 of 2018, session date: January 15, 2019. These judgments are published on the East Laws Network: <https://www-eastlaws-com> (accessed April 16, 2024). Federal Supreme Court, Appeals Nos. 277 and 322 of 2011, session date: October 5, 2011. Similarly, in the ruling of the Federal Supreme Court - Administrative Judgments, Appeal No. 613 of 2013, session date: March 19, 2014.

⁷ Appeal No. 178 of 2011, session date: June 15, 2011. All these judgments are published on the Ministry of Justice website: <http://elaws.moj.gov.ae> (accessed April 16, 2024). Federal Supreme Court, Appeal No. 178 of 2011, session date: June 15, 2011. Similarly, Appeal No. 421 of 2011, session date: December 7, 2011. Appeal No. 613 of 2013, session date: March 19, 2014. Appeal No. 782 of

2018, session date: January 15, 2019. All these judgments are published on the Ministry of Justice website: <http://elaws.moj.gov.ae> (accessed April 16, 2024).

⁸ Federal Law No. 30 of 2005 was published in Official Gazette No. 440 on December 14, 2005, and came into force on the date of its publication.

⁹ Ali Abdul Hamid Turk, *Explanation of the Civil Procedure Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2nd ed., 2011, p. 337 and beyond. See also: Bakr Abd Al-Fattah Al-Sarhan, *Explanation of the UAE Civil Procedure Law According to the Latest Amendments*, Dar Al-Hafez, UAE, 2021, pp. 132-133.

¹⁰ Mustafa Metwally Qandeel, *A Concise Guide to Judicial Procedures According to the Civil Procedure Law of the United Arab Emirates*, Al-Afaq Al-Mushriqa Publishers, Egypt, 2011, p. 61.

¹¹ Ahmed Nasr El-Gendi, *Explanation of the Civil Procedure Law of the United Arab Emirates, Volume I*, Dar Al-Kutub Al-Qanounia: Egypt – UAE, Dar Shatat for Publishing and Software: Egypt – UAE, 2015, p. 73.

¹² Federal Law No. 10 of 2014 concerning the amendment of certain provisions of the Civil Procedure Law.

¹³ Maryam Ahmed Sandal, *Explanation of the Civil Procedure Law*, *ibid*, p. 172.

¹⁴ Federal Supreme Court, Appeal No. 341 of 2014 - Administrative. Similarly, in the ruling: Federal Supreme Court, Civil and Commercial Judgments, Appeal No. 10 of 1991, session date: June 18, 1991. In the ruling of the Federal Supreme Court - Administrative Judgments, Appeal No. 613 of 2013, session date: March 19, 2014. In the ruling of the Federal Supreme Court, Appeal No. 178 of 2011, session date: June 15, 2011. All these judgments are published on the UAE Ministry of Justice website: <https://www.moj.gov.ae> (accessed April 17, 2024).

¹⁵ Federal Supreme Court, Appeals Nos. 277 and 322 of 2011. Similarly, in the ruling of the Federal Supreme Court - Administrative Judgments, Appeal No. 613 of 2013, session date: March 19, 2014. These judgments are published on the UAE Ministry of Justice website: <https://www.moj.gov.ae> (accessed April 17, 2024).

¹⁶ The Federal Supreme Court affirmed that: "Since Article 102/1 of the Constitution of the United Arab Emirates states: The Union shall have one or

more Federal Primary Courts convened in the permanent capital of the Union or in some of the Emirate capitals to exercise jurisdiction within their scope over civil, commercial, and administrative cases between the Union and individuals, whether the Union is the plaintiff or the defendant. It indicates that when the Union is a party in a civil, commercial, or administrative case, the jurisdiction lies with the Federal Court, as the criterion for jurisdiction is the status of the party, i.e., the federal entity or any of its authorities. This jurisdiction cannot be removed from the Federal Court except by a constitutional provision to that effect. Since the case involves a claim for compensation for damages resulting from the loss of a benefit from a property awarded to the appellant through bidding, and the respondent is the General Authority for Islamic Affairs and Endowments, a federal entity under Law No. 24 of 2006 issued on October 9, 2006, the jurisdiction in the dispute between them and the appellant belongs to the federal courts. The appealed judgment did not consider this view and ruled that the dispute falls under the jurisdiction of the Abu Dhabi Rental Disputes Settlement Committee, thus violating the law and misapplying it, leading to the failure to address the appellants' requests, which necessitates its complete annulment." Federal Supreme Court, Appeal No. 178 of 2011, session date: June 15, 2011. Similarly, Appeal No. 421 of 2011, and the Federal Supreme Court - Administrative Judgments, Appeal No. 613 of 2013, session date: March 19, 2014. These judgments are published on the UAE Ministry of Justice website: <https://www.moj.gov.ae> (accessed April 18, 2024).

¹⁷ Federal Decree-Law No. 42 of 2022 concerning the issuance of the Civil Procedure Law was issued on October 3, 2022, published in Official Gazette No. 737 (Supplement) on October 10, 2022, and came into effect on January 2, 2023.

¹⁸ Abdullah Mohammed Ali Suleiman Al-Marzouqi, "Electronic Litigation (Smart Litigation) and E-Court Systems (Smart Judiciary): A Comparative Study of UAE Legislation with Some Arab and Foreign Systems," Sharjah University Journal for Law Sciences, Vol. 18, No. 2, 2021, p. 244.

¹⁹ Mohammed Samer Al-Qattan, Explanation of the UAE Civil Procedure Law, according to Federal Decree-Law No. 42 of 2022, effective from January 2, 2023, Dar Al-Nahda Al-Ilmiya, UAE, 2023, p. 113.

²⁰ Bakr Abd Al-Fattah Al-Sarhan, Explanation of the UAE Civil Procedure Law Under Federal Decree-Law No. 42 of 2022, Dar Al-Hafez Library, 2nd ed., 2024, p. 130.

²¹ See: Federal Supreme Court, Civil and Commercial Judgments, judgment in Appeal No. 280 of 2020, session date: June 8, 2020, published on the East Laws Network: <https://www-eastlaws-com> (accessed April 23, 2024).

²² Decision of the Chairman of the Judicial Department No. 4 of 2017 concerning the establishment of a specialized court for family and inheritance cases for non-Muslims, published in the Official Gazette, 46th year, No. 3, March 31, 2017, p. 81.

²³ Federal Decree-Law No. 42 of 2022 regarding the issuance of the Civil Procedure Law, issued on October 3, 2022, published in the Official Gazette, Supplement No. 737, dated October 10, 2022, effective from January 2, 2023.

²⁴ Amal Fouzy Ahmed Awad, Mechanisms for Developing the Judicial System and Challenges of Transforming Justice to Digital, Democratic Arab Center, Berlin – Germany, 1st ed., 2022, p. 6. See also: Khaled Mamdouh Ibrahim, Remote Litigation Procedures in Civil and Criminal Matters under the UAE Federal Law, Dar Al-Fikr Al-Jami'i, Alexandria, Egypt, 1st ed., 2020, p. 216.

²⁵ Mahmoud Rabea Khater, Al-Wafi in the Legislation and Rulings of the United Arab Emirates: Annotated Civil Procedure Law with the Latest Judicial Rulings, Dar Mahmoud Publishing, Cairo, 2022, p. 6.

²⁶ Saeed Omar Saeed Al-Buraiki, Civil Case Management in UAE Law, Moroccan Law Journal, Dar Al-Salam for Printing and Publishing, No. 46, January 2021, p. 93.

²⁷ Abdullah Mohammed Ali Salman Al-Marzouqi, Electronic Litigation (Use of Smart Communication Tools in Litigation) and E-Court Systems (Smart Judiciary), Master's Thesis, College of Law, University of Sharjah, 2021, p. 8.

²⁸ Ministerial Decision No. 260 of 2019 concerning the procedural guide for regulating litigation using electronic means and remote communication in civil procedures.

²⁹ See: UAE e-Government Development Index, available on the official UAE government portal, via the link: [<https://u.ae/ar-ae/about-the-uae/uae->

competitiveness/the-uae-in-egovernment-development-index](https://u.ae/ar-ae/about-the-uae/uae-competitiveness/the-uae-in-egovernment-development-index) (accessed April 26, 2024).

³⁰ See: Emarat Al Youm Online Newspaper, "Legal Dispute Between a Government Entity and a Tenant over a Commercial Unit," available at: https://www.emaratalyoum.com/local-section/accidents/2020-06-12-1.1361223 (accessed April 26, 2024).

³¹ Article 101 states: "The rulings of the Federal Supreme Court are final and binding on all. If the Court decides, when adjudicating the constitutionality of laws, regulations, and decrees, that a federal legislation is contrary to the Constitution of the Union, or that the local legislation or regulation under consideration contains a violation of the Constitution of the Union or a federal law, the concerned authority in the Union or the Emirates, as the case may be, must take the necessary measures to eliminate the constitutional violation or to correct it.

³² Bakr Abd Al-Fattah Al-Sarhan, Explanation of the UAE Civil Procedure Law Under Federal Decree-Law No. 42 of 2022, reference previously cited, p. 148.

³³³³ Article 25 of the UAE Civil Procedure Law No. 11 of 1992 states: "The Federal Primary Court in the capital of the state has jurisdiction to hear all civil, commercial, and administrative disputes that arise between the state and individuals, whether the state is the plaintiff or the defendant. The court may, when necessary, convene in any of the capitals of the Emirates."

³⁴ Article 25 of the Civil Procedure Law as amended by Federal Law No. 10 of 2014 states: "The primary courts have jurisdiction over civil, commercial, administrative, labor, and personal status disputes, except for disputes in which the Union is a party, as they fall under the jurisdiction of the federal courts."

³⁵ Article 25 of the Civil Procedure Law as amended by Federal Law No. 30 of 2005 states: "Federal courts have jurisdiction over all civil, commercial, and administrative disputes."

³⁶ Article 24 of Federal Decree-Law No. 42 of 2022, which issues the Civil Procedure Law, states:

"1. Primary courts have jurisdiction to hear all applications, disputes, and primary lawsuits, except those specifically excluded by a special provision.

2. The Abu Dhabi Federal Primary Court has exclusive jurisdiction to hear all disputes in which federal ministries and entities are parties."

³⁷ Law No. 23 of 2006 on the Reorganization of the Judicial Department in the Emirate of Abu Dhabi. See: <https://www.adjd.gov.ae/AR/pages/aboutadjd.aspx> (accessed April 23, 2024).

³⁸ Article 4 of Federal Decree-Law No. 32 of 2022 on the Federal Judicial Authority states:

"1. Courts shall not hold their sessions outside their primary locations except by a decision of the Federal Judicial Council. 2. Federal courts may hold their sessions remotely using modern communication technologies."

List of Sources and References

First: Books

1. Ahmad Muhammad Meleiji, Principles of Civil and Commercial Procedures Law in the UAE, Dar Al Qalam, Dubai, 1986.
2. Ahmad Nasr Al-Jundi, Explanation of the Civil Procedures Law of the UAE, Book One, Dar Al Kutub Al Qanuniya, Egypt – UAE, Dar Shatat for Publishing and Software, Egypt – UAE, 2015.
3. Amal Fawzi Ahmad Awad, Mechanisms for Developing the Judicial System and Challenges of Transitioning to Digital Justice, Arab Democratic Center, Berlin, Germany, 1st ed., 2022.
4. Bakr Abdel Fattah Al-Sarhan, Explanation of the UAE Civil Procedures Law According to the Latest Amendments, Dar Al Hafiz, UAE, 2021.
5. Bakr Abdel Fattah Al-Sarhan, Explanation of the UAE Civil Procedures Law in Light of Federal Decree-Law No. (42) of 2022, Dar Al Hafiz Library, 2nd ed., 2024.
6. Khalid Mamdouh Ibrahim, Remote Litigation Procedures in Civil and Penal Matters in UAE Federal Law, University Thought House, Alexandria, Egypt, 1st ed., 2020.
7. Abdul Hamid Muhammad Al-Hosani, Litigation Procedures in Administrative Cases in the UAE, Al Maarif Establishment, 2013.
8. Ali Abdul Hamid Turki, Explanation of the Civil Procedures Law, Dar Al Nahda Al Arabiya, Cairo, 2nd ed., 2011.
9. Mohammad Samer Al-Qattan, Explanation of the UAE Civil Procedures Law According to Federal Decree-Law No. 42 of 2022 Effective from January 2, 2023, Dar Al Nahda Al Ilmiya, UAE, 2023.

10. Mahmoud Rabie Khater, Comprehensive Guide to UAE Legislations and Judgments: Civil Procedures Law with Annotations of the Latest Judicial Rulings, Dar Mahmoud for Publishing, Cairo, 2022.

11. Mariam Ahmad Al-Sandal, Explanation of the Civil Procedures Law According to Federal Law No. 11 of 1992 and Its Amendments and Its Executive Regulations Issued by Ministerial Decision No. of 2018 and Its Amendments and Other Federal and Local Legislations, Dar Al Nahda Al Arabiya, Egypt, Dar Al Nahda Al Ilmiya, UAE, 2021.

12. Mustafa Metwally Qandil, Judiciary and Litigation According to the Civil Procedures Law of the UAE, Bright Horizons Publishers, Egypt, 2011.

Second: Articles and Scientific Research

1. Said Omar Said Al-Buraiki, Management of Civil Litigation in UAE Law, Moroccan Law Journal, Dar Al-Salam Printing and Publishing, Issue 46, January 2021.

2. Abdullah Muhammad Ali Salman Al-Marzouqi, Electronic Litigation (Smart Litigation) and Electronic Judiciary (Smart Judiciary): A Comparative Study of UAE Legislation with Some Arab and Foreign Systems, University of Sharjah Journal of Legal Sciences, Vol. 18, Issue 2, 2021.

Third: Academic Theses

1. Abdullah Muhammad Ali Salman Al-Marzouqi, Electronic Litigation (Using Smart Communication Means in Litigation) and Electronic Judiciary (Smart Judiciary), Master's Thesis, College of Law, University of Sharjah, 2021.

2. Mariam Ahmad Khalfan Sandal, Jurisdiction and Competence and Conflict Issues in Federal and Local Judiciary of the UAE,

Doctoral Dissertation, College of Law, University of Sharjah, 2020.

Fourth: Laws and Legislations

1. UAE Constitution of 1971.
2. UAE Civil Procedures Law No. (12) of 1992.
3. Civil Procedures Law Amended by Federal Law No. (30) of 2005.
4. Civil Procedures Law Amended by Federal Law No. (10) of 2014.
5. Federal Decree-Law No. (42) of 2022 Issuing the Civil Procedures Law.
6. Federal Decree-Law No. (32) of 2022 Concerning the Federal Judicial Authority.

Fifth: Websites

1. UAE Government Official Portal: [Home | UAE Government Official Portal](https://u.ae)
2. East Laws Network:
https://www.eastlaws.com
3. Emirat Al Youm Newspaper:
https://www.emaratalyoum.com
4. Dubai Courts Website:
https://www.dc.gov.ae
5. Ministry of Justice Website:
http://elaws.moj.gov.ae
6. Abu Dhabi Judicial Department Website:
https://www.adjd.gov.ae/AR/pages/aboutadjd.aspx