

# **STATE OF KUWAIT**

(DAWLAT AL KUWAYT, AL KUWAYT)



## **BACKGROUND AND LEGAL SYSTEM**

---

LEGAL SYSTEM	Mixed civil law system, based on Egyptian, English common law, Ottoman civil code, and with heavy Islamic influence in personal matters.
POLITICAL SYSTEM	Nominal Constitutional Monarchy.
HEAD OF STATE	Amir.
HEAD OF GOVERNMENT	Prime Minister.
SUBNATIONAL ENTITIES	6 governorates [ <i>Muhafazah</i> ]: Al Ahmadi, Al Farwaniyah, Al 'Asimah, Al Jahra', Hawalli, Kuwait City
SUBLOCAL ENTITIES	1 Municipality.
TRANSLITERATION SYSTEM	None.
LANGUAGES	Official language: Arabic. English is widely spoken.

## CONSTITUTION

---

ENACTMENT	The current Kuwaiti Constitution was enacted on June 19, 1961, shortly after Kuwait gained independence from the British Empire.
CITATION FORMAT	دستور الكويت [Constitution] art. <article> (Kuwait). or CONST. KUWAIT art. <article>.
<i>Example</i>	CONST. KUWAIT art. 174.

## STATUTES

---

GOVERNMENT STRUCTURE	Unicameral National Assembly [ <i>Majlis al-Umma</i> ] composed of 50 members elected by popular vote. The members serve 4-year terms.
LEGISLATIVE PROCESS	The Amir or any member of the National Assembly first proposes a bill. If the bill is initiated by a member of the National Assembly and rejected, it cannot be reintroduced in the same session. After it is passed by the National Assembly, it is approved by the Amir. The Amir then promulgates the law as a decree, and the law is published in the Official Gazette [ <i>Kuwait Al-Youm</i> ].
CITATION FORMAT	Kuwaiti laws are counted sequentially from the first law passed, to the present number and the year.  Law <law number> of <year>.
<i>Example</i>	Law 14 of 1973.

## ADMINISTRATIVE REGULATIONS

### ADMINISTRATIVE SOURCES

The Prime Minister and the Cabinet Minister are empowered to create the administrative regulations for the implementation of various laws. Thus, there is no separate administrative body. The Amir also has the power to issue regulations according to Article 72 of the Kuwaiti Constitution. Regulations are administered in the form of a decree from the Amir. *See* citation format above.

## CODES

---

Decree Law 67 of  
1980  
(CIVIL CODE)

The Civil Code of 1980, codified January 5, 1981 in the *Official Gazette*, replaced the Ottoman *Majallah*, the Ottoman version of a Civil Code.

Decree Law 38 of  
1980  
(CODE OF CIVIL  
PROCEDURE)

The Civil Code was codified in the *Official Gazette*, June 4, 1980

Decree Law 68 of  
1980  
(COMMERCIAL CODE)

Law 68 of 1980, or the The Law of Commerce, was codified in the *Official Gazette* on January 19, 1982

Law 16 of 1960  
(CRIMINAL CODE)

Currently unavailable.

Law 17 of 1960  
(CODE OF CRIMINAL  
PROCEDURE)

Currently unavailable.

**CASE LAW**

---

JUDICIAL OVERVIEW	There are two separate systems of law in Kuwait. The first system is based on Sharia, or Islamic law emanating from the Qur'an. The Sharia courts handle family and personal matters, and the laws are rarely codified. In the second civil law system, the Court of First Instance handles civil and commercial matters, as well as some criminal cases. In general, judgments of this Court are appealable, however, there are some instances where the Court's judgment is final, or appealable only before an appellate body composed of judges from the Court. Most appeals from the Court of First Instance take place at the High Court of Appeals. The High Court of Appeals consists of the Division for Cessation and the High Division of Appeal. The Constitutional Court was established by the Constitution to interpret the Constitution and handle Constitutional challenges. The Court of State Security was established in 1969 to handle crimes that are dangerous to the internal or external structure of the country. The rulings of this court are final and not subject to appeal.
REPORTER	Al Kuwayt Al – Yaum. (running title: <i>alJaridah al – rasmiyah lihukumat al Kuwayt</i> )
CITATION FORMAT	Currently unavailable.
<i>Example</i>	Currently unavailable.

**SOURCES**

---

The CIA Factbook:  
<http://www.cia.gov/cia/publications/factbook/geos/al.html>

The State Department Background Note: Albania  
<http://www.state.gov/r/pa/ei/bgn/3235.htm>

FOREIGN LAW: CURRENT SOURCES OF CODES AND LEGISLATION IN JURISDICTIONS OF THE WORLD, THOMAS REYNOLDS & ARTURO FLORES, 1-39, 2004.

I LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL & CULTURAL  
ENCYCLOPEDIA 25-31 (Herbert M. Kritzer, ed., 2002).

Department of Information for the Republic of Albania—Official Website,  
<http://www.keshilliministrave.al/english/Government/position.asp>

Albanian Constitution, Albanian Parliament Website,  
<http://www.parlament.al/english/dis-kus.html>

### **SPECIAL THANKS**

---

Abdul Razzaq & Partners Law Firm  
Edward W. Gnehm, Jr.

Ifeyinwa N Anoliefo – Staff Member. Oct. 2006  
Brad S. Keeton – ICM Committee Member. Oct. 2006  
Matthew T. Nagel – ICM Coordinator. Oct. 2006