

LEGAL GUIDE TO LEBANON



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We are going to discuss the following points:

- **Introduction to Lebanon's Legal System**
- **Official Sources of Law**
- **Print Sources**
- **Web Resources**

Introduction to Lebanon's Legal System

The Republic of Lebanon was a part of the Ottoman Empire for about four hundred years. At the end of World War I it became a separate political entity under French mandate. It comprised the historical Mount Lebanon and part of other territories that the Ottoman Empire relinquished as a result of the war. In 1943 Lebanon gained full independence and sovereignty and later participated in the 1945 San Francisco Conference as a founding member of the United Nations.

During the Ottoman period Lebanon was governed directly by the Sublime Porte in Istanbul with special political status given to the historical Mount Lebanon, which constitutes the foundation of the present Republic of Lebanon. Afterwards, it became a parliamentary democratic republic governed in accordance with a written constitution issued in 1926. Upon gaining full independence in 1943, there arose an unwritten national understanding according to which the office of president of the republic was reserved to the Maronite Christians, the office of prime minister to the Sunni Muslims, and the office of speaker of the house to the Shiite Muslims. This unwritten national pact has its roots in article 95 of the 1926 Constitution that provided for equitable representation in public service positions among the various religious denominations.

In 1990 article 95 was amended to provide that the parliament shall take necessary measures to abolish political structure based on religious affiliation, but that until such time only the highest positions in public civil service, including the judiciary, military, security forces, public and mixed institutions,

shall be divided equally between Christians and Muslims without regard to the denominational affiliation within each community.

During the Ottoman rule the legal system applied in Lebanon was basically the Islamic law as formulated by the Hanafi School. In conformity with Islamic law, each religious community had the right to apply its own law on a wide range of legal issues and to maintain its own judicial system to resolve conflicts related to such issues.

From the time of the French mandate onward Lebanon gradually started to adopt new laws and legislation modeled after the French law, which is a civil law system. However, the 18 religious communities officially recognized in Lebanon continued to have their independence in applying their own laws and maintain their own judicial systems to deal with matters related to personal status, marriage, divorce and other family relations issues.

The Lebanese Judiciary

The judiciary in Lebanon is divided horizontally into four main court systems, each having a multilevel hierarchical structure. These systems are:

- the Judicial court system known as *kadaa' dli*,
- the administrative court system known as *Majlis al-Shura*,
- the military court system, and
- the religious court systems.

1. *The judicial court system* is composed of three court levels of general jurisdiction. Original jurisdiction is normally found in the courts of first instance, then there are the courts of appeal, and finally there is the Cassation Court. The courts of first instance are each divided into chambers composed of one presiding and two associate judges and chambers composed of only one presiding judge without associates. The courts of appeal are each divided into chambers of one presiding and two associate

judges. The Cassation court is also divided into chambers of one presiding and two associate judges.

2. *The administrative court system* is composed of administrative tribunals and the State Consultative Council (Majlis Shura al-Dawla.) The administrative courts' jurisdiction is limited to matters involving or arising from administrative decisions issued by the state or any of its agencies and institutions. The administrative tribunals constitute the first judicial level whose decisions may be appealed to the State Consultative Council. The State Consultative Council functions as an appellate or Cassation level court to review judicial decisions made by a variety of administrative bodies and also acts as an original court for certain types of disputes such as annulment requests against ministerial decrees for abuse of power.
3. *The military court system* is composed of a military court of cassation and a permanent military court, both located in Beirut, and of courts presided over by sole judges in each of the five administrative regions or muhafazat. The military courts have a specialized criminal jurisdiction restricted to arms and ammunitions (other than for hunting), crimes against national security, crimes committed in a military facility, or certain specific crimes involving members of the military forces.
4. *The religious court system* is composed of the court systems of the 18 recognized denominations pertaining to the three main religions of Christianity, Islam and Judaism. The jurisdiction of these courts is limited to personal status and family law matters as authorized by law.

In addition to these courts there are a number of specialized tribunals such as the Judicial Council to prosecute certain grave crimes that the government decides to refer to this specialized tribunal or the Arbitral Labor Council (majlis al-amal al-tahkimi) formed to deal with labor law disputes.

Official Sources of Law

In accordance with the Lebanese constitution as amended, the legislative authority is vested in a House of Representatives or Parliament whose members are elected by direct popular suffrage for a four year term. The main function of Parliament is to enact laws as proposed by the government or by its members in accordance with its internal rules. The laws approved by Parliament shall be promulgated by the President of the Republic within one month (or five days if the Parliament has declared the law to be urgent) after it is sent to the government. The law so promulgated shall be published in the official gazette within 15 days from the date of its promulgation and become effective on the 8th day after its publication unless it stipulates otherwise.

At present there is no official source of the Lebanese law other than the printed copies of the official gazette.

Print Sources

"The Judiciary in Lebanon"

Web Sources

There is no internet site where Lebanese laws are posted. However there are a number of sites that may contain selected number of laws such as:

- the [religious court of the Druze community](#)
- the [Lebanese Parliament](#)
- the [Central Bank of Lebanon](#)
- the [Ministry of Industry](#)
- the [Ministry of Communications](#)
- the [Ministry of Finance](#)

For more information on the Special Tribunal for Lebanon, visit the Law Library's page on the [Hariri Assassination](#).

For more information on Lebanon see:

- [Global Legal Monitor: Lebanon](#)
- [Guide to Law Online: Lebanon](#)
- [Children's Rights: Lebanon](#)
- [Lebanon: The Hariri Assassination](#)
- [Lebanon: Presidential Election and the Conflicting Constitutional Interpretations](#)