

Opinion and Analysis for New Fees System to be applied at Shari'a Courts

After issuing the last edit in the official Gazette in terms of Shari'a courts fees system No. 61 of 2015, the Shari'a courts started to apply this new system which includes raising the fees for lawsuits brought before the court.

Through our study of the new system, the most important conclusions are the following:

- The most important amendments are represented by reducing the fees by 50 percent, which apply to agreements between parties through the Family Reform and Reconciliation Office. The foregoing is newly added and important in activating these offices' role in solving disputes and discords between family parties. Besides finding appropriate solutions for family problems in a timely manner that maintain the family structure through amicable methods, awareness and family guidance, the Department of the Supreme Judge declared the opening of the recruitment door in effort to support the Family Reform and Reconciliation Offices in addition to other steps in that regard.
- The system exempted Islamic adoption and charity endowment from such fees. Also, no fees are collected on appointing a rival guardian for minors and equivalents by the court in cases under custodianship's deeds.
- Also the system works to exempt orphans that are minors from fees on dividing and handing over inheritance, and at the same time set out a maximum limit for collected fees due on the adults' share of the inheritance i.e. 5000.00 JDs.

The system also defines the various types of expertise fees, in our opinion this is a way to appreciate the expert's important role in filed cases and their assistance to achieve justice. Most expertise fees were raised and were within a range of maximum and minimum limits to be assessed by the judge. The most prominent raise was the fee charged by the Reformer and Family Mediator as it was raised from 15 JDs, the former unofficial rate, to 50-150 JDs. The former is connected, in our view, to enhancing the mediators' role as well as the Family Reform and Reconciliation Offices. Also, we believe that defining the expertise fee assists in preventing exceeding of financial expenses related to filed cases, and clarification for financial commitments accompanied to cases.

- In addition, we could draw from such amendments the effects the new fee system is having by raising fees on cases brought before the legal court, creating an additional burden on every person seeking legal channels, especially women being the vulnerable party in most cases. We find that most legal actions which women are allowed to file for—alimonies, custodianship, housing, education, breastfeeding, dowries claiming actions, compensation due to arbitrary divorce, separation cases of all types etc.—witnessed amendment and increased fees. This was and still continues to challenge and go against women’s access to justice, as fulfilling fees and other legal expenses are primary constraints preventing women from approaching courts.
- In addition, we see raising fees on divorce and marriage verifications as opportune, as such legal actions relate to Gods rights which include protecting kinship rights. Therefore, it would be most appropriate to decrease divorce verification fees rather than raising them as raising legal fees contradicts with enabling women to collect their dues and therefore forming financial and emotional burdens over women.

Finally, we would like to focus on the importance of legal awareness of all legal updates on laws, regulations and systems effecting people’s lives whether directly or indirectly. This is to ensure we avoid mixing facts with false rumors, and to protect people during their pursuit of justice from any legal challenges and obstacles facing them. One successful method implemented by ARDD-Legal Aid in this regard, are the raising legal awareness sessions conducted for vulnerable people especially women and refugee groups. These sessions aim to clarify and explain legal procedures ensuring their rights, enforcing rule of law and access to justice.

Below we provide a “Comparative Table” showing prominent amendments on fees imposed by the new system set out for Shari’a courts:

#	Legal action subject	Old fees and/or previously unofficial used fees (JD)	New fees (JD)
1	Alimony	3	5
2	Housing fees	3	5
3	Custodianship	3	5
4	Breastfeed	3	5
5	Cutting, waiving, increasing or decreasing (unclear?)	3	5
6	Custodianship and conjoin	3	5
7	Separation between both couples	20	25
8	Confirming each type of divorce	15	25

9	Marriage confirmation	20	25
10	Travel permission or blocking	5	25
11	Proxy	10	25
12	Confirming absence or lost	11	25
13	Claim prevention	2.5% minimum 15 JDs, maximum 100 JDs	25
14	Interference prevention	3	25
15	Interdiction due to foolishness or inadvertence or lifting thereof	3	25
16	(Apostasy) confirmation	20	25
17	Yielding	20	30
18	Divorce or legal advice nullity	15	30
19	Correcting/nullity of limitation of succession or	5	30
20	Correcting or nullity of disassociation	5	30
21	Confirm kinship or otherwise	20	30
22	Revoking permission	10	30
23	Blood money, legacy & guardianship's removal, suspension or restricting thereof	100	30
24	Legacy assets maturity; partial or total	5	30
25	Foreign verdict to be applicable for execution	Same legal action fee	30
26	Minors Visitations, accommodation and amending thereof	3	15
27	Confirm return to marriage status	8	15
28	Compensation due to arbitral divorce	3	15
29	Claim or suspend claiming financial amount	2.5%, minimum 15 JDs, maximum 100 JDs	3%, minimum 30 JDs, maximum 100 JDs
30	Demanding rapid execution	5	5
31	Minors sustenance/child support?	5	5
32	Bachelorhood deed	5	5
33	No impediments deed	5	5
34	Confirming unmarriageable status deed	5	5
35	Confirming legal age	5	5
36	Proxy confirmation deed	5	5
37	Appointing custodian and guardian	5	5
38	Deeds corrections	5	5
39	Limitation of succession	5	10
40	General Disassociation deed	5	15
41	Special Disassociation deed	5	10

42	Experts fees as to expenses	15	10
43	Experts fees as to blood money and legacies	20	30
44	Assets prices assessment expert	20-50	10-50
45	Medical expertise and handwriting experts and comparison thereof	20-30	30
46	Arbitration fees in Separation for Discord, conflict and discharge	40-50	25
47	Family mediator and reformer	15	50-150
48	Marriage registration or acknowledgement (from article 20 to article 23)	15	25
49	Registration/acknowledgement Second marriage (from article 20 to article 23)	60	80
50	Legal marriage clerk	5	10
51	Lawyer power of attorney	7.20	10

** This table includes legal terms, with non official English translation.*

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