



LEGAL DATABASE OF EGYPTIAN LEGISLATION AND
JURISPRUDENCE

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“As for the foam, it passeth away as scum upon the seashores but that which is of use to the people, remaineth on earth.”

(From the Quran)

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1. OVERVIEW

1.1 BACKGROUND

On 11 January 2003, the regional coordinator of the United Nations Development Programme's Programme on Governance in the Arab Region (UNDP POGAR) made an offer for cooperation with the National Center for Judicial Studies affiliated with the Ministry of Justice to build a database of court decisions, especially, those delivered by the Court of Cassation. The UNDP was to provide financial contribution of Fifty Thousand US Dollars (USD 50000) in addition to technical assistance for the project.

The implementation began early in July 2003. The database will be published on line at the National Center for Judicial Studies' (NCJS) site www.ncjs.gov.eg, the Ministry of Justice's website, which is being established, and UNDP POGAR's website. The Judicial Information Center (JIC), in cooperation with the NCJS, will continue to update and develop the contents of the database periodically in successive editions. The first edition of the database is expected to be issued early in 2006.

1.2 OBJECTIVES

The building of a specialized database of legal information will make that information easily accessible to the people. The project will be an on-going process and will be completed at phases in successive editions. The users of the database, particularly those with specialized knowledge, will also contribute to its effectiveness through feedback, guidance and proposals they will provide to the database producers.

The purposes of the database are as follows:

- Introduce the Egyptian legal system and other similar ones at the local, regional and international levels.
- Facilitate access to accurate legal information for the members of the legal community, law experts and researchers in Egypt and the Arab region.
- Provide a reference source on Egypt's legislation and court decisions, which can be used for comparative research on the similarities and dissimilarities across the Arab region.

- Produce a legal lexicon containing synonyms of legal words and expressions used in legislations and jurist writings.

1.3 MAIN FEATURES

The following are the main features of the Project:

All-inclusive approach

The Project covers all types of legal information. These include legislation provisions, court decisions, jurist reference sources, etc. The user will be able to get a complete answer of any question including the related texts or information.

Credibility

The texts entered into the database are the complete texts published in the official documents.

Accuracy

Accurate answers to the asked questions will be given. Access will be permitted to law articles on certain subjects, thus, providing knowledge rather than merely serving as a data archive. An advanced database, usually, provides in-depth documentation with retrieval possibilities that are unavailable in data archives.

Comparison

The user will be able to get an answer to his question while reviewing the related texts in two parallel windows at the same time.

Accessibility

The available data will be accessible to the ordinary people, and not only law professionals, while maintaining the characteristics of the legal language and the concepts of legal research. This makes the database accessible to everybody.

2. DATABASE CONTENTS

The database will be built at phases in successive editions. The 1st edition will contain decisions delivered by Egypt's different courts, key legislations and jurist reference sources. These are as follows:

2.1 COURT DECISIONS

- Principles and decisions of the Court of Cassation (civil court) of the judicial years (1 – 67)¹ .
- Principles and decisions of the Court of Cassation (criminal court) of the judicial years (1 - 68)² .
- Selected decisions of the Egyptian (civil and criminal) courts of appeal.
- Selected decisions of the Egyptian (civil and criminal) courts of first instance.
- Selected decisions of the High Constitutional Court holding certain legislation provisions unconstitutional.

2.2 KEY LEGISLATIONS

- Penal code 58/1937.
- Inheritance Act 77/1943.
- Wills Act 71/1946.
- Civil Code 131/1948.
- Criminal procedure code 150/1950.
- Act 394/1945 concerning firearms and ammunitions.
- Act 73/1956 concerning practice of political rights.
- Drug Prevention Act 182/1960.
- Customs Act 66/1963.
- Code of civil and commercial procedure 13/1968.
- Act 25/1968 concerning proof in civil and commercial matters.
- Constitution Act 1/1971.
- People's Assembly Act 38/1972.
- Judiciary Act 46/1972.
- Social Security Act 79/1975.
- Act 120/1975 concerning the central bank and the banking service.
- Commercial Registry Act 34/1976.
- Acts 49/1977, 6/1997, 136/1981 and 4/1996 concerning lease of places.
- Act 157/1981 concerning income tax.
- Act 100/1985 concerning certain personal status laws.
- Maritime Code 8/1990.

1. The first judicial year of the Court of Cassation (civil court) corresponds the year 1931 AD and the judicial year 67 corresponds the year 1997 AD.

2. The first judicial year of the Court of Cassation (criminal court) corresponds the year 1931 AD and the judicial year 67 corresponds the year 1997 AD.

- Act 119/1995 concerning jurisdiction over property.
- Act 27/1994 concerning arbitration in civil and commercial matters.
- Act 38/1994 concerning trade in foreign exchange.
- Act 5/1996 concerning rules for disposition of desert lands.
- Child Act 12/1996.
- Commercial Code 17/1999.
- Act 1/2000 concerning procedures of litigation in matters of personal status.
- Act 82/2002 concerning protection of intellectual property.
- Labor Act 12/2003.
- Act 10/2004 creating family courts.

2.3 JURIST REFERENCE SOURCES

The 1st edition will contain only the names of jurist reference sources and the cited pages. The 2nd edition will contain, while updating the previously-documented information, excerpts from jurist reference sources (books, essays, studies, etc.) in addition to selections of the recently-issued key acts and court decisions.

The 1st edition will contain the following:

- 6949 act sections.
- 14718 decisions from the (civil) court of cassation.
- 14607 decisions from the (criminal) court of cassation.
- 50 decisions from the (civil and criminal) courts of appeal.
- 27 decisions from the (civil & criminal) courts of first instance.
- 50 decisions from the court of felonies.
- 528 decisions from the Constitutional Court
- 42 jurist reference sources.
- 8462 copies of decisions from civil courts.
- 8558 copies of decisions from criminal courts.
- 2 copies of tables attached to legislations.

3. ACTION PLAN

Establishing the database will pass through the following four phases:

1. Designing the database.

2. Compilation of texts.
3. Programming.
4. Processing and documentation.

3.1 DESIGNING THE DATABASE

The database is designed to store the key acts and court decisions horizontally. The stored data will later be expanded vertically to include detailed law provisions, court decisions and jurist reference sources interpreting the law provisions.

The database is divided into two main parts:

1. Key acts.
2. Court decisions.

3.2 COMPILATION OF TEXTS

Different types of legislative materials will be compiled. These include laws, regulations, administrative decisions and explanatory notes. The first edition will focus only on laws, as amended, and exclude completely the administrative decisions and explanatory notes in light of their changing character.

Court decisions will cover not only abstracts of court decisions but also their complete texts as published in the volumes produced by the Egyptian Court Cassation's technical office.

A committee, made up of long-experienced incumbent counselors and judges, supervised the compilation of the legal texts. The committee could at a short time collect the laws and court decisions covered by the first edition.

3.3 PROGRAMMING

The system is based on Microsoft environment, specifically, SQL Server Enterprise, MS Office, and VB Net Environment.

The programming of the database is based on a model, developed by MADAMEK Company (Office for Computer and Law Studies & Research) and used by UNDP-POGAR experts. The texts are catalogued and processed according to the model by using a methodology of logical documentation.

The database is designed to achieve, in particular, the following purposes:

- Publish the database on line. This requires applying the techniques of retrieval and searching on the net. A keyboard will appear on the screen to facilitate typing for users who are not skillful in Arabic typing.
- Publish the database on CD-Rom.
- Provide an access to interested persons in Egypt and all the Arab countries.
- Facilitate search for synonyms by using the lexicon.
- Facilitate the search for users who are not familiar with the modern searching techniques, particularly, the members of the legal community. To this end, more than one method of search will be used, which employ simple and easy search technologies (see the details below).

3.4 PROCESSING AND DOCUMENTATION

The processing and documentation of the materials contained in the database employ guided documentation techniques. Documentation is designed to be fit for the employed methods of search and retrieval, as explained below.

The processing and documentation activities discussed below show the guiding principles and ideas which govern the documentation process. We shall discuss, first, the keyboarding and processing activities and, then, explain the methodology adopted in documentation.

Keyboarding and processing

Complete texts of the key acts were keyboarded. Abstracts of the Court of Cassation's decisions with the relevant legal principals were entered and the complete texts of the decisions were scanned. Complete texts of the other decisions of the courts of appeal, the courts of first instance and the criminal courts were also entered. Complete texts, also, of the Constitutional Court's decisions were entered in case of decisions admitting challenges for legislation amendments. The typing mistakes were corrected. However, the user may observe some typing mistakes which will be surely corrected in the coming editions.

Texts of recent legislation amendments were added. If the amendment repeals an old text, the new text replaces the repealed one. However, to provide an access to

the old text, reference is made to it at the beginning while indicating that it has been amended. The number and date of issue of the new act are given.

The tables annexed to the Firearms and Ammunition Act and Drug Prevention Act were scanned and stored in a special file allowing the user to retrieve them. Jurist reference sources cited by the court decisions were entered and linked to related decisions contained in the database.

The entered texts were linked to the other relevant texts, thus, enabling the user to browse at the same time the related texts.

Cataloguing

Two main methods were employed for text cataloguing:

- Each text was given a title revealing its content. The titles in the subject index were used for this purpose.
- Keywords were assigned to each title in the subject index to add more light on the content of the stored text.

Lexicon

A lexicon is used as a tool for search and retrieval but is, rarely, used as a documentation tool. However, the Legal Lexicon is basically designed to link related words to each other whether they are synonyms (for example, "steal" = "embezzlement") or root words and derivatives. The Lexicon is available in the database to facilitate search for the user by using any of the related synonyms.

Not only are synonyms of the search words contained in the Lexicon but also near-synonyms in the Arabic language, in general. The Lexicon also contains synonyms of both single and compound words whether they have legal or general connotations.

The Lexicon automatically links the synonyms and proposes to the user the associated words that can be used in the search.

4. METHODS OF RETRIEVAL AND OTHER FUNCTIONS

4.1 METHODS OF RETRIEVAL

The database system allows the use of different methods of retrieval, which provide an access to the stored laws and court decisions. All these methods aim to enable the user, particularly the members of the legal community who are unfamiliar with the retrieval of data from databanks, to search the database to obtain the required information. It is worth noting that searching by title or subject indexes is known to legal researchers who conduct their research papers in libraries.

The following are the main methods of retrieval employed by the system. For more information about these methods, see the User Manual.

1. By chronicle index

This method allows browsing all legislations and court decisions contained in the database. It also enables the user to identify and browse the complete texts of the stored information. It is, thus, similar to stocktaking or archiving.

2. By title index

Retrieval by title index is an organized and guided method of retrieval. The user selects a title from the title index and browses the relevant key acts and the related court decisions.

3. By subject (free search)

Retrieval by subject (or, free retrieval) allows the user to use any single or compound word. The materials containing that word will appear on the screen. Though an advanced technology, free retrieval faces some difficulties, particularly, when the user writes a word different from that in the stored texts. For example, if the user enters the word "criminal", the texts containing the word "penal" will not appear.

To solve this problem, a Lexicon is created which indicates the relationships between the words; i.e. synonyms, near-synonyms, root words and derivatives.

4.2 OTHER FUNCTIONS

Browsing the results

- The user can browse the results through the List of Acts or the List of Court

Decisions by chronicle index based on the Gregorian calendar or the judicial year calendar.

- When the user selects a certain title or subject, the search result indicates the number of the relevant acts and court decisions.
- The user can browse the whole text without closing the opened window and have an immediate access to any text.
- The user can browse the whole index of the retrieved act.
- When an act is retrieved, the relevant court decisions and jurist reference sources can be browsed.
- The system allows the display of comparative court decisions in two parallel windows on the screen.

Printing the results

- A hard copy of the search results can be obtained. For protection purposes, the printing and downloading of the results are limited to specific, and not general, search.

5. PROPOSED UPDATING OF THE 2ND EDITION

The 2nd edition of the database will introduce many updates. These include the following:

5.1 CONTENTS

- New legislative texts will be added, which are not covered in the 1st edition. The existing texts will be updated.
- The remaining decisions of the (civil and criminal) Court of Cassation will be entered.
- An index of the selected decisions of the courts of first instance, felonies and appeal will be introduced.
- A new selection of the decisions of the courts of first instance, felonies and appeal will be added.

- New appeals decided by the Constitutional Court will be covered.
- New keywords will be added.
- New words will be added to the Lexicon.

5.2 METHODS OF SEARCH

- Develop the employed free search method.
- Introduce a new way of search based on the year of the Technical Office.
- Introduce a method of voice search.

5.3 USING THE SYSTEM

- Facilitate using the system by users.
- Develop the data display screens and making them more friendly to the user.
- Improve the response time in search.

5.4 PROVIDING THE SERVICE

- Establish an e-mail address for responding to the questions and remarks of the users.
- Introduce new methods for service.

6. CONCLUSION

The way in which the information is processed in the database is unique in the Arab region, particularly, in the legal activity field. This way of processing is the result of an intellectual effort and analysis of the existing legislative and judicial texts. The purpose of this analysis is to enable the user to extract easily the texts contained in the database by using the keywords known in the legal field.

The importance of this processing lies in the fact that it helps researchers and judges not only in Egypt but in the entire Arab region as well. It will also be useful for the students of comparative studies. Being a model that can be followed suit, the database will certainly buttress Egypt's pioneering role in the legal and judicial field.

7. CONTRIBUTORS

7.1 PROJECT'S MANAGEMENT

1. Counselor Ali Alsadeq Othman, Project Manager, Vice president of the Court of Cassation.
2. Counselor Ali Shekeeb, Project legal coordinator, Assistant Minister of Justice for National Center for Judicial Studies' Affairs, Vice president of the Court of Cassation.
3. Counselor Khaled Ghanem, Project information coordinator, Counselor at the Court of Appeal, Director of the Judicial Information Center.
4. Dr. Mona Gamal Eldeen Mahmoud, Project assistant manager, Member of the technical office at the National Center for Judicial Studies, President of Administrative Prosecution Office.

7.2 UNDP-POGAR WORKING TEAM

1. Dr. Wassim Harb, Coordinator of the project for modernizing legal and judicial activity. UNDP-POGAR consultant. Dr. Harb engineered and supervised the project.
2. Mr. Mohamed Al-Abyad, Programmer.
3. Ms. Rolla Zayat, Information expert and administrative coordinator.

7.3 COUNSELORS

1. Couns. Mohamed Rafeeq Elbastaweesy, Ex vice president of the Court of Cassation.
2. Couns. Mohamed Ahmed Hasan, Ex vice president of the Court of Cassation.
3. Couns. Mohamed Hasan Al-Afeefy, Ex vice president of the Court of Cassation.
4. Couns. Dr. Ref'at Abdelmageed, Vice president of the Court of Cassation.
5. Couns. Mohamed Eid Salem, Vice president of the Court of Cassation.

7.4 NCJS JUDGES

1. Ameen Mohamed Ameen Tamoum
Counselor at the Court of Cassation.
2. Tarek Abdelbaqy
President of the civil group at the Court of Cassation's technical office.
3. Hesham Abdelhady Hussein
General Attorney, prosecution office at the Court of Cassation.
4. Mohamed Ahmed Khalaf
Court president, Member of the Court of Cassation's technical office.
5. Hazem Badawy
Chief prosecutor, Member at the Court of Cassation's technical office.
6. Hussein Mohamed Hegazy Chief prosecutor,
Member at the Court of Cassation's technical office.
7. Ali Radwan Abd Elmugheeth
Chief prosecutor, Prosecution office at the Court of Cassation.
8. Khaled Fa'ek Almosalamy
Court president, Member at the Court of Cassation's Technical Office.
9. Ahmed Ali Youssef
Chief prosecutor, Member at the Court of Cassation's Technical Office.
10. Mohamed Reda Rashwan
Court president, Member at the Court of Cassation's Technical Office.
11. Adham Faheem Yehya
Court President, South Cairo Court of First Instance
12. Hesham Abdelhameed Elgameely
Chief prosecutor, Court of Cassation.

13. Wael Adel Aman
Chief prosecutor, Member at the Court of Cassation's Technical Office.
14. Hesham Anwar Ezz El-Arab
Court president, Member at the Judicial Information Center.
15. Amr Mohamed Samy
Chief prosecutor, Tanta Court of Appeal.
16. Ahmed Fat'hy Korma
Court president at the South Cairo Court of First Instance.

7.5 JIC WORKING TEAM

1. Mr. Nader Abdo Ahmad
Technical support manager at the Judicial Information Center.
2. Mr. Nour Ahmad Ismail
Programmer at the Judicial Information Center.

7.6 PROOFREADERS

1. Nawal Fahmy Thabet
2. Soheir Saif Elnassr Mahmoud

7.7 COMPUTER OPERATORS

1. Mohamed Fat'hy Mostafa Rezq
2. Ebtesam Salah Eldeen Hanafy
3. Fadya Mohamed Abd Elazeem
4. Alia Alawady Mohamed
5. Azza Mostafa Ellaithy
6. Gorget Shoukry Faheem
7. Nahla Zain Elabedeen Abd Elsalam

8. Eman Abd Elrahman Mohamed
9. Hamdeya Abd Elghany Ismael
10. Ganet Atteya Nashed
11. Nahla Ahmad Othman
12. Engy Mohsen Abd Elkader
13. Mona Mohamad Hendy
14. Saneya Ahmad Hasan