DAWLADDA DEEGAANKA SOOMAALIDA

DHOOL GAZETA

Somali Regional State

የሶማሌ ክልላዊ መንግሥት

Qimaha ያንዱ ዋጋ Unit Price 13.00	Dhool Gazeta Waxaa soo Saara Baarlamaanka Dawaldda Deegaanka Sommaalida	✉ 392

Bayaan Tirsi 102/2003 Bayaanka Asaasida Maxkamadaha Bulshada Ee TulooyinkaDawlada Deegaanka Soomaalida	የሶማሌ ክልላዊ መንግሥት የቀበሌ ማሕበራዊ ፍ/ቤቶች ለማቋቋም የወጣ አዋጅ ቁጥር 102/2003	SOMLAI REGIONAL STATE KEBELE SOCIAL COURT ESTABLISH-MENT PROCLAMATION No. 102/2003

Bayaan Tirsi 102/2003

Bayaanka Asaasida Maxkamadaha Bulshada Ee TulooyinkaDawlada Deegaanka Soomaalida

Madaama ay lagama maarmaan noqotay in bulshada ku nool degaanada Tulo-oyinka miyiga iyo magaalaba iyagoo adeegsanayaa xuquuqahooda demoqraadiyadeed ay dhistaan maxkamada bulsho oo ay leeyhiin islamarkaana arrimahooda u gaarka ay u garsooran garsoorayaal ay iyaguu soo doorteen.

Madaama oo ay lagama maarmaan noqotay in yaada oo wixii khilaafaad ah ee ka dhex aloosama isla bulshada gudeheeda xal loogu raadinayo laga gaadho xalka ku haboon, qaabkaasna bulshada lagaga samata-bixiyo rafaadka iyo khasaaraha soo gaadhi kara,

Sidaasi awgeed, hab wafaaqsan Qodobka 49(3)(b) ee dastuurka dib loo habeeyey ee deegaanka iyo bayaanka tirsi 76/2002, wuxuu Golaha deegaanka soomaalidu bayaaminayaa sidan:-

የሶማሌ ክልላዊ መንግሥት የቀበሌ ማሕበራዊ ፍ/ቤቶች ለማቋቋም የወጣ አዋጅ ቁጥር 102/2003

በከተማና በገጠር የቀበሰ መስተዳድር ክልል ዉስጥ የሚኖረዉ ሕዝብ ዲሞክራሲያዊ መብቱን ተጠቅሞ የራሱን ማህበራዊ ፍ/ቤቶች በማቋቋም በመረጣቸዉ ዳኞች አማካይነት የራሱን ጉዳይ በራሱ እንዲዳኝ ማድረጉ ጠቃሚ መሆኑን በመገንዘብ፣

በቀበሌ ውስጥ የሚኖሩ ሕብረተሰብ የሚነሱ ችግሮች በአግባቡ እንዲያስተናግዱና ዘላቂ መፍትሔ እንያገኙለት አላስፈላጊ ወጪዎችን በማስቀረት በግልጽ መደንገጉ አስፈላጊ ሆኖ በመገኘቱ፣

በተሻሻለው የሶማሌ ክልላዊ መንግሥት ሕገ መንግሥት አንቀፅ 49ንዑስ አንቀጽ 3/(ሀ) እና አዋጅ ቁጥር 76/2002 መሠረት የሚከተለዉን አዉጇል፡፡

SOMLAI REGIONAL STATE KEBELE SOCIAL COURT ESTABLISH-MENT PROCLAMATION No. 102/2003

Where as, it is found necessary that rural communities and villages by exercising their democratic rights to establish their courts, which entertains their issues and run by judges elected by them.

Where as, it is found necessary that the conflicts in the community shall be solved within it self in order to obtain the appropriate vedict, and to come up with the huge costs and suffering.

Now there fore, in coordance with Article 49(3) (A) of the revised continent of the Somali regional state and proclamation No. 76/2002, the Somali regional state council proclamation as follows:

Qaybta kowaad

Guud Ahaan

Qodobka 1[aad]. Ciwaan Gaban

Bayaankani waxaa loogu yeedha karaa'' Bayaanka Asaasida Maxkamadaha Buls hada ee Tulooyinka Dawlada Deegaanka Soomaalida ee Bayaan Tirsi 102/2003.''

Qodobka 2[aad]. Qeexid

Hadaan haboonaanta weedhu siinin macno kale, bayaankan dhexdisa;

1. ''**Dastuur**'' waxaa loola jeedaa dastuurka dib loo habeeyay ee deegaanka soomaalida.
2. ''**Maxkamad**'' waxaa loola jeedaa maxkamada lagu asaasay qodobka 3aad ee bayaankan wixii hada ka dambeeyana loogu yeedhi doono maxkamad bulsho.
3. ''**Garsoorayaal**'' waxaa loola jeedaa garyaqaanada lagu asaasay qodobka 3aad ee bayaankan kana hawl gala maxkamada.
4. "**Maxkamada degmada**" Waxaa loola jeeda hay'ada garsoor ee deegaanka ugu hoosaysa ee lagu qeexay qodobka 68(6) dastuurka dibloo habeeyay ee deegaanka soomaalida.
5. "**Rajistarar**" waxaa loola jeedaa shaqaalaha maxkamada bulshada ee qabta hawlaha lagu bayaamiyay qodobka 17[aad] ee bayaanka
6. "**Tuulo**" waxaa loola jeeda jaran jarada q/dhismeedka dawladeed halka ugu hoosaysa ee hab waafaqsan sharci lagu aasaaso.

Qodobka 3[aad] Aasaasid

Sida ku cad qodobka 89 (3) j ee dastuurka, Waxaa bayaankan lagu aasaasay maxkamada bulshada oo leh awoodaha garsoor ee ku cad qodobada 18, 19 iyo 20 ee bayaankan.

Qodobka 4[aad] Ujeedooyinka

Maxkamada bulshadu waxay yeelan ujeedooyinka hoos ku cad

1. Sugid xuquqaha aadami iyo dimuquraadiyadeed ee lagu xeeriayay dastuurka deegaanka soomaalida.
2. Taaba galinta Isfahan iyo nabad kuwada noolaansha shacabka ku nool Tulooyinka laga aas aasay maxkamadaha.
3. In la sahlo koboca baraaruga sareynta sharci ee bulshada iyo dhaqankooda islamarkaana la kobciyo aqoonta sharci ee bulshada si ay uga qaybqaataan nidaamka maamulka caddaalada.

ክፍል አንድ

ጠቅላላ ድንጋጌዎች

1. አጭር ርዕስ

ይህ አዋጅ "የሶማሌ ክልላዊ መንግሥት የቀበሌ ማህበራዊ ፍ/ቤቶች ማቋቋሚያ አዋጅ ቁጥር 102/2003 ዓ/ም ተብሎ" ሊጠቀስ ይችላል።

2. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያሰጠው ካልሆነ በስተቀር በዚህ አዋጅ ዉስጥ

1. "ሕገ መንግሥት" ማለት የሶማሌ ብሔራዊ ክልል ሕገ መንግሥት ነዉ።
2. "ፍ/ቤት" ማለት በዚህ አዋጅ አንቀፅ 3 መሠረት የተቋቋመ መዉና ከዚህ በኋላ "ማሕበራዊ ፍቤት" እየተባለ የሚጠራዉን አካል ነዉ።
3. "ዳኞች" ማለት በዚህ አዋጅ መሠረት በሚቋቋሙት የቀበሌ መሕበራዊ ፍ/ቤቶች የዳኝነት ተግባራት እንዲያናዉኑ የሚመረጡትን ዳኞች ነዉ፣
4. "የወረዳ ፍ/ቤት" ማለት በተሻሻለው የሶማሌ ክልላዊ ህገ-መንግሥት አንቀጽ 86/6/ ላይ የተጠቀሰው የፍርድ ቤት አደረጃጀት የመጀመሪያ አካል ነው ።
5. "ሬጅስትራር" ማለት በዚህ አዋጅ አንቀጽ 17 ላይ የተደነገጉት ሥልጣንና ተግባር የሚ ያስፈጽም የፍርድ ቤት ሠራተኛ ነው ።
6. "ቀበሌ" ማለት በሕግ የተቋቋመ የመጨረሻ የአስተ ዳደር አካል ነው ።

3. መቋቋም

በሶማሌ ክልላዊ መንግሥት አንቀፅ 89/3/ ሐ መሠረት የገጠር ቀበሌ መስተዳድሩ አንድ አካል ሆነዉ በአዋጁ አንቀጽ 18፣ 19 እና 20 ላይ የተደነገገው ሥልጣን የሚያስፈጽም የቀበሌ ማሕበራዊ ፍ/ቤቶች በዚህ አዋጅ ተቋቁሟል።

4. ዓላማዎች

የማሕበራዊ ፍ/ቤቶች የሚከተሉት አላማዎች ይኖሩታል፣

1. ሶማሌ ክልል ሕገ መንግሥት የተረጋገጡትን ሰብአዊና ዲሞክራሲያዊ መብቶችና ጥቅሞችን ማስከበር፣
2. በተቋቋሙባቸዉ ቀበሌዎች ዉስጥ ባሉ ነዋሪዎች መካከል መግባባት፣ አብሮ በሰላም መኖር እንዲሰፍን መጣር፣
3. ነዋሪዎች የሕግን የበላይነት ተገንዝበዉ ሕግን ማክበር አኩሪ ባሕላቸዉ እንዲ አዳብሩ እንዲሁም በፍትሕ ሥራ ላይ ተሳታፊ እንዲሆኑ የሕግ እዉቀታቸዉን ማዳበር።

PART ONE

GENERAL PROVISION

Article 1 Shaort Title

This Proclamation may cited as "the proclamation to establish social courts in the Somali Regional State kebeles" Proclamtion No. 102./2003.

Article 2 Definition

Unless the context requires other wise in this proclamation:

1. "Constitution" shall mean the revised constitution of the Somali regional state.
2. "Court" shall mean the court established under Article 3 this proclamation which shall be called as "social court".
3. "Judge" shall mean lawyers established under Article 3 of this proclamation who run the social courts.
4. "Worda court" shall mean the lowest and first instance judicial power in the region according to Article 68(6) of the revised constitution of the Somali regional state.
5. "Registrar' shall mean the court staff, who undertake the duties provided by article 17 of this proclamation.
6. "Kebele" shall mean the lowest administration hierarchy establish-ed under the law.

Article 3 Establishment

According to Article 89(3) C of revised construction of the Somali regional state, social courts are hereby established, which shall exercise the powers provided by Article 18,19 and 20 of is proclamation .

Article 4 Mission

The social court shall have the following mission

1. Shall protect the human rights as well as democratic rights provided by the Somali regional state constitution.
2. To ensure well-being and peace co-existence of the people living in the kebele .
3. to raise law consciousness of the society as well as raise legal awa-reness in order to contribute the justice administration.

Qaybta Labad

Qaabdhismedka Iyo Hanaanka

Garsoor Ee Maxmadaha Bulshada

Qodobka 5[aad] Madaxbanaanida garsoorka

Maxkamada bulshadu waxay madaxbanaani buuxda u leedahay hawlaha garsoor, awood ka reeban sharcigana laguma hagayo

Qodobka 6[aad] Qaab-dhismeedka iyo tirada garsoorayaal ee maxkamada bulshada

Maxkamad kastaa waxay yeelan:

1. Gudoomiyaha, 2 garsoore iyo laba garsoore sugayaal oo la magacaabo marka garsoorku dhinmo.
2. Hal rajistrar.
3. Maxkamada bulshadu waxay hoos tagaysaa golaha Tuulada ay ku taalo.

Qodobka 7[aad] ku eegida fadhi furan, goobta iyo wakhtiga dhagaysiga

1. Maxkamadaha bulshada arinkasta waxay ku eegi ama dhagaysan fadhi u furan bulshada hase ahaatee haddii loo arko in ay ku haboon tahay wanaaga bulshada ama garsoorka waxaa lagu dhegaysan karaa fadhi ka xidhan bulshada (fadhi qarsoodi ah).
2. Maxkamada bulshadu waxay ku garsoori goobta garsoor ee tuulada hase ahaatee haddii loo arko in ay ku haboontahay bixinta adeeg firfircoon oo cadaali ah waxay ku eegi karaan meelkale oo ka mid ah tuulada.
3. Maxkamad kasta oo bulsho iyada oo ku xisaabtamaysa xaalada shaqo, nololeed iyo diimeed ee bulshada ay go'aamin maalinta iyo saacada dhegaysiga.

Qodobka 8[aad] ka saarida garsooraha fadhiga dhegaysiga

1. Garsoore kasta oo ka tirsan maxkamada bulshada waxa laga saari karaa fadhiga dhegaysiga haddii dhinacyada is haya midka mid ah ay ka dhaxayso xidhiidh dhalasho ama guur ama sidoo kale ay ka dhaxayso xumaan ama arinta keentay muranka uu hore ugu galay garsoore ahaan ama dhexdhexaadiye

ክፍል ሁለት

ስለ ዳኝነት ሥራ አካሄድ

5. ስለ ዳኝነት ነፃነት

የማሕበራዊ ፍ/ቤቶች የዳኝነት ሥራቸዉን በሙሉ ነፃነት ያከናዉናሉ፣ከሕግ በቀር በሌላ ሥልጣን አይመሩም::

6. የማህበራዊ ፍ/ቤት አደረጃጀትና የዳኞች ብዛት

የማህበራዊ ፍርድ ቤቶች የሚከተሉት አደረጃጀቶችና የዳኞች ብዛት ይኖረዋል ::

1. በማንኛውም የቀበሌ ማህበራዊ ፍ/ቤት አንድ ሰብሳቢና ሁለት ዳኞች እንዲሁም ዳኛ ሲጓደል ተክተው የሚሠሩ ሁለት ተጠባባቂ ዳኞች ይመርጣል ::
2. አንድ ሬጅስተር
3. ማህበራዊ ፍ/ቤት ተጠሪነታቸው በአካባቢያቸው የሚገኘው የቀበሌ ም/ቤት ይሆናል ::

7. በግልፅ ችሎት ስለማስቻል

1. ማሕበራዊ ፍ/ቤት ማናቸዉንም ጉዳይ የሚያየዉ በግልጽ ችሎት ይሆናል፣ሆኖም ለሕዝብ መልካም ፀባይ ወይም ዳኝነት አስፈላጊ ሆኖ ሲያገኘዉ በዝግ ችሎት ያስችላል::
2. ማሕበራዊ ፍ/ቤት በቀበሌዉ መደበኛ ችሎት ሥፍራ ያስችላል፣ሆኖም ለቀልጣፋ ፍትሕ አሰጣጥ አስፈላጊ ሆኖ ሲያገኘዉ በቀበሌዉ ዉስጥ በሌላ በማናቸዉም ሥፍራ ያስችላል::
3. እያንዳንዱ ማሕበራዊ ፍ/ቤት የሕዝቡን የሥራ፣የኑሮና የእምነት ሁኔታ ግንዛቤ ዉስጥ በማስገባት የማስቻያ ቀንና ሰዓቱን ይወስናል::

8. ከችሎት ስለማንሳት

1. ማንኛዉም የማሕበራዊ ፍ/ቤት ዳኛ ተከራካሪ ወገኖች ከአንደኛዉ ጋር የቅርብ የሥጋ ወይም የጋብቻ ዝምድና ያለዉ ወይም ከተከራካሪ ወገኖች ከአንደኛዉ ጋር ፀብ ያለዉ ወይም ክርክሩ የተነሳበት ነገር አስቀድሞ በዳኝነት በእርቅ መንገድ ያየዉ ከሆነ ከዳኝነት ይነሳል::

PART TWO

ORGANIZATION AND AUJUDICATION PROCEDURE OF THE SOCIAL COURT

Article 5 Indipendence

The social court shall exercise judicial function independently and within the limits prescribed by law.

Article 6 organization and the number of judes in the social court

The social courts shall have:

1. Chairperson and two regular judges, and two alternate judges, who come on duty on the vacancy of seat,
2. One registerar,
3. The social court is a ccountable to the council of the kebele it locates.

Article 7 open sitting date and place of hearing

1. The social court shall hear a case in an open session, however the court may hear a case in closed session by protecting the privacy of the parties concerned and the judiciary.
2. The social courts shall hear a case by sitting in the kebele it resides, or any where else in the kebele when it encompasses fairness and speed of the trial.
3. The social court taking into consideration burden, life and the religion of the society shall determine the hearing date and hours

Article 8 Disqualification of the judges for hearing a case

1. A judge is disqualified to hear a case if he is spouse, assendant, descen-dent or other relation-ship or there is hatred between him and one of the parties of the case; or he rasided his opnion on the matter prior to the hearing, or mediated the parties .

2. Arimaha lagu qeexay farqada 1[aad] ee qodabkan garsoore kasta oo og jiritaankooda waa in uu rabitaankiisa kaga baxo fadhigaa.
3. Garsooraha maxkamada bulshada haddii uu rabitaankiisa kaga bixi racfan malaha waayo fadhiga eegista arinka marka ay dhinacyada is hayaa waxay soo dhawaysan karaan is hortaag garso-oreyaasha kale inta ay baadhaan in uu xubinku ka baxo iyo in kale ayay go'aan ka gaadhi
4. Go'aanka laga gaadhay in uu garsooruhu ka baxo fadhiga dhegaysiga arin ama uuna ka bixin
5. Marka uu hal garsoore fadhiga dhegaysiga ka baxo waxa halkiisii lagu buuxin oo arinta is hortaaga laga kee-nay dhegaysan garsoo-raha sugaha ah ee max-kamada.

Qaybta Sadeexaad

Doorashada, Magacaabista Iyo Mudada Shaqo Ee Garsoorayaasha Maxkada Bulshada

Qodobka 9[aad] Arimaha Lagu Mutaysto Xulashada Garsoor Ee Maxkamada Bulshada

1. Cidkasta oo ku nool qabaleega oo buuxiya arimaha hoos ku cad waxaa loo dooran karaa garsoorka maxmada bulshada
   B. Da'diisu ka sarayso 25 sano
   T. Ku caan baxay horm-oodnimo aaminaad isla markaana anshax wanaag ay bulshadu ku tix galiso leh
   J. Diyaar u ah in uu bulshada ugu adeego garsoore ahaan
   X. Aqoon wanaagsan u leh xeer dhaqameedka degaa-nkiisa islamarkaana bulsha-du ku kalsoon tahay.
2. Qofkasta oo ku nool Tuulada oo ka tirsan Golaha xild-hibaanada ee Tuulada ama Golaha fulinta ma qaban karo hawlaha garsoor

2. ከላይ በዚህ አንቀፅ ንዑስ አንቀጽ 1 ሥር የተዘረዘሩትን ሁኔታዎች መኖሬ ችዉን ያወቀ የማሕበራዊ ፍ/ቤት ዳኛ በራሱ ፍቃድ ከችሎቱ መነሳት አለበት::
3. የማሕበራዊ ፍ/ቤ ዳኛ በራሱ ፍቃድ ካልተነሳ ከተከራካሪዎች ተቃዉሞ ሊቀርብበት ይችላል፣ሌሎች የፍ/ቤት ዳኛችም ተቃዉሞዉን መርምረዉ አባሉ ከችሎት ስለመነሳቱ ወይም ስለ አለመነሳቱ ዉሳኔ ይሰጣሉ::
4. የማሕበራዊ ፍ/ቤት ዳኛ ከችሎት ይነሣል፣ወይም አይነሳም ተብሎ በተሰጠዉ ዉሳኔ ላይ ይግባኝ ማቅረብ አይችልም
5. አንድ ዳኛ ከችሎት ሲነሳ በተጠባባቂዉ የማሕበራዊ ፍ/ቤት ዳኛ ተቃዉሞ የቀረበበትን ጉዳይ ተከተ ይሰማል::

ክፍል ሶስት

9. የማህበራዊ ፍርድ ቤቶች ዳኞች ምርጫና የአገልግሎት ዘመን

1. ማንኛውም የቀበሌ ነዋሪ ሆኖ ከዚህ በታች የተዘረዘሩት መመ ዘኛዎች ወይም ክራይቴ ሪያ የሚያሟላ ከሆነ ለማህበ ራዊ ፍቤት ዳኛ ሆኖ ለመ ረጥ ይች ላል ::
   ሀ. 25 ዓመት ዕድሜ በላይ የሆነ/ነች
   ለ. ከፍተኛ የመምራት ብቃት ሞራል ያለውና በህብረተ ሰቡ ዘንድ ከፍተኛ ተሰሚ ነት ያለው ፤
   ሐ. ዳኛ የመሆን ፍላጎት ያለው ፤
   መ. ባህላዊ ሕግ ዕውቀት ያለውና የሕዝብ አሜኔታ ያለው ::
2. ማንኛውም የቀበሌ ነዋሪ ሆኖ የቀበሌ ም/ቤት ወይም የአስተ ዳደር ም/ቤት አባል የሆነ ሁሉ ይህ መመዘኛ አይመ ለከተውም ::

2. A judge who realizes the existence of the matters provid-ed under Sub-Article 1 of this article shall immediately disqualify himself the hearing.
3. However if the judge isn't disqualified by himself. The concerned party may summit disqualification claim to the sitting, the other judges will investigate the matter.
4. The decision rendered on judge not disqualified him-self from the hearing.
5. Where a judge has been disqualified from the hearing an alternate judge shall replace him and hear the matter.

PART THREE

Election, Nomination and Term of Office of Social Court judges

Article 9 Eligibility for Social court Judges:-

1. Anyone resident in the kebele, and fulfils the following qualifications shall be elected as social court judge:-
   a) Above 25 years of age
   b) Well vested on leadership trust-ful, high moral character and well respected by the society
   c) committed to become a judge
   d) Has knowledge on custmary law and relied by the society.
2. Any one, resident in the kebele who's member of the kebele council or the executive council isn't lligible.

Qodobka 10aad <u>Doorashada iyo magacaabista garsoorayaasha</u>

Garsooreyaasha Maxkamada bu-lshada oo uu ku jiro gudoomiyuhu waxa magaacaabaya Golaha xild-hibaanada ee Tuulada marka golaha fulinta ee Tuuladu soo hordhigo.

Qodobka 11aad <u>Mudada shaqo</u>

1. Mudada shaqo ee garsooraha maxkamada bulshada ee tuuladu wuxuu la mid yahay mudada shaqo ee golaha maamulka Tuu-lada.
2. Iyada oo ay jirto arinta ku cada farqada 1aad ee qodobkani, marka qofka loo xushay in uu maxkamada bulshada ka noqdo garsoore uu ka guuro tuulada mudadiisii shaqo way dhamaanaysaa ama istaagaysaa.

Qodobka 12aad <u>Shaqo Ka Qaadista Garsooraha Maxkamada Bulshada</u>

1. Garsoore kasta oo loo xushay inuu noqdo garsoore max-kamada bulshada ee tuulada, marka u ku guuldaraysto gudashada waajibaadka saran ama ku sifoobo anshax-xumo golaha tuuladu wuxuu ka qaadi talaabo ilaa shaqo ka qaadis ah.
2. Ilaa inta la gaadhayo qaba-ha-da shirka golaha marka loo arko in uu dhibaato ku keenayo geedisocodka garsoor, hay'ada fulinta ee tuuladu garsoore kasta oo ka tirsan maxkamada bulshada oo ku sifooba anshax xumo waxay ku samayn kartaa shaqo joojin.

Qodobka 13aad:- <u>Buuxinta Fadhiga Garsoor</u>

Maxkamadaha Bulshada ee Tuuladu waxay arrin ku eegi kartaa fadhiga ay 3 garsoore ku dhan yihiin.

Qodobka 14aad:- <u>Awoodaha iyo Waajibaadka Gudoomiyaha Maxkamada Bulshada</u>

Gudoomiyaha Maxkamada Bu-lshada isaga oo hoostagaya golaha Xildhibaanada ee Tuulada, ayuu yeelanayaa awoodaha iyo waaj-ibaadkan hoos ku cad:-

1. Wuxuu matalaa Maxkamada.
2. Fadhiga Garsoorka ayuu shirgudoon ahaan hogaamiyaa,
3. Waxaa uu Golaha Xild-hibaanada Tuulada soo hordhigaa warbixin sadex bilood ah oo qeexaysa waxqabadka shaqadu maxkamada.
4. Marka Gudoomiyuhu garsoore ahaan k shaqayn kari waayo midka mid ah garsoorayaasha joogtada ah ayuu wakiishaa.

10. <u>የዳኞች ምርጫና ሹመት</u>

የቀበሌ ማህበራዊ ፍ/ቤቶች ዳኞች በቀበሌ ሥራ አስፈጻሚ ኮሚቴ አቅራቢነት በቀበሌው ም/ቤት ይሾማል ::

11. <u>የአገልግሎት ዘመን</u>
    1. የቀበሌ ማህበራዊ ፍ/ቤት ዳኛ የአገልግሎት ዘመኑ የቀበሌው መስተዳድር ም/ቤት የአገልግሎት ዘመን ይሆናል ::
    2. ከላይ በንዑስ አንቀፅ 1 የተደነገገው እንደተጠበቀ ሆኖ የማሕበራዊ ፍ/ቤት ዳኛ ሆኖ የተመረጠ ሰዉ በማንኛዉም ጊዜ ቀበሌዉ ለቆ ሲሄድ የአገልግሎቱ ዘመን የሚቋረጥ ይሆናል::

12. የቀበሌ ማሕበራዊ ፍ/ቤት ዳኛን ከዳኝነት ሥራ ስለማንሳት
    1. ማንኛዉም የቀበለ ማሕበራዊ ፍ/ቤት ዳኛ የተመረጠበትን ኃላፊነት በሚገባ ሣይወጣ የቀረ እንደሆነ ወይም የሥነ ምግባር ጉደለት ፈፅሞ የተገኘ እንደሆነ በቀበለዉ ም/ቤት ከሥልጣን እስከመነሳት ድረስ ተገቢዉ እርምጃ ይወሰድበታል::
    2. የቀበሌ ም/ቤት ስብሰባ እስከሚካሄድ ድረስ በፍትሕ ሥራ ላይ ጉዳት እንዳያደርስ የቀበሌዉ ሥራ አስፈፃሚ ኮሚቴ የሥነ ምግባር ጉደለት የፈጸመዉን የማሕበራዊ ፍ/ቤት ዳኛ ከዳኝነት ሥራዉ አግዶ ሊያቆየዉ ይችላል::

13. <u>ስለችሎት ማሟላት</u>

የቀበሌ ማሕበራዊ ፍ/ቤት አንዱን ጉዳይ የሚያየዉ ሶስት ዳኞች በሚገኙበት ችሎት ይሆናል::

14. <u>የማህበራዊ ፍ/ቤት ሰብሳቢ ሥልጣንና ተግባር</u>

የማህበራዊ ፍ/ቤት ሰብሳቢ ተጠሪነቱ የቀበሌ ም/ቤት ሆኖ የሚከተሉት ሥልጣንና ተግባር ይኖረዋል ::

1. ፍርድ ቤቱን ይወክላል ፣
2. የፍርድ ቤት ችሎት እንደ አፈ ጉባኤ ሆኖ ይመራል ፣
3. ስለ ፍርድ ቤት የሥራ እንቅስቃሴ በየሦስት ወሩ ለቀበሌ ም/ቤት ሪፖርት ያቀርባል ፣
4. ሰብሳቢው ሥልጣኑን ለማስፈጸም በማይችሉበት ጊዜ ከዳኞቹ መካከል አንድ መደበኛ ዳኛ ለሥራው ይሰይማል ::

Article 10 <u>election and nomination of the social court judges</u>

The kebele cabinet shall submit the nominees of the social court judges to the kebele council, who may approve such nominees.

Article 11 <u>terms of office</u>

1. The term of office of the social court judges is the same as the term of office of the kebele council.
2. Without prejudice the provisions of sub-article 1 of this article, where the social count judge permanently leaves the kebele, his term shall cease.

Article 12 <u>removal of office of the social judges</u>

1. Any social court judge, whenever he can no longer discharge his duties or violates the disciplinary rules, the kebele council may remove him from his duties;
2. Before holding the meeting if the judge may obstruct proceeding the kebele cabinet may suspend him from his duties.

Article 13 <u>quorum of the Bencht</u>

The social court of the kebele shall hear a cease by a full bench of three judges.

Article 14 <u>the powers and duties of the chairman of the social coast</u>

The chairman of the social court, who is accountable to the kebele council, shall have the following powers and duties:

1. Shall represent the court
2. Shall lead the proceedings as speaker.
3. Shall prepare and submit to the kebele council the 3 month performance report of the court.
4. Where the chairman can't dis-charge his duties as a chairman, he may assign one of the regular judges.

Qaybta Afraad

Rajistaraalka Maxkamada Bulshada

Qodobka 15^aad Xulashada iyo Shaqaalaynta Rajistaraalka Maxkamada Bulshada Ee Magaalo

1. Qofkasta oo degan qabalaha buuxiya arimaha hoos ku cad waxaa loo qaadan karaa inuu noqodo Rajistaraalka Maxkamada;-
   - B. Anshaxa wanaaga (hawl-karnimada iyo daacadnimo inuu leeyahay ku mutaystay sumcad wanaag).
   - T. Da'adiisu aysan ka yarayn 18 jir.
   - J. Heerka Aqoontiisu tahay ugu yaraan mid dhamaystay fasalka 8^aad.
   - X. Aan haysanin shaqo kale.
2. Maamulada Tulooyinkamagaa-loo-yinka ka jira waxay Rajistaraal ahaan u qaadan karaan Cid kasta oo degan tuulada oo buuxisa shuruudaha ku cad farqada 1^aad ee qodobkan.
3. Rajistaraalka Maxkamadaha Bulsho ee ku yaala ag-agaarka magaalo maalmaha shaqo ee todobaadka Isniin ilaa khamiis

Qodobka 16^aad Xulashada, Magacaabista iyo Mudada Shaqo ee Rajistaraalka Maxkamadaha Bulshada ee TulooyinkaMiyiga

1. Qofkasta oo buuxiya arimaha hoos ku cad waxaa loogu xulan kara inuu noqdo Rajistaraalka Maxkamada Bulsho ee Qabaleega iyada oo la eegayo:-
   - b) Qofka daacadnimadiisa iyo Anshax wanaagiisa uu ku kasbaday sumcad wanaag.
   - t) Da'adiisa ayna ka yarayn 18 jir.
   - j) Wax qori kara islamarkaana wax akhriyi kara.
   - X) Degan Tuulada isla mar-ka-ana diyaar u ah in uu bulshada ugu adeego Rajis-taraal ahaan.
2. Maamulka qabale kasta oo ku yaala meelaha miyiga ah cid kasta oo deegaan ku ah Tulooyinka buuxin karaa shuruudaha ku cad farqiga 1aad ee qodobkani waxay u xulan una magacaabi inuu noqdo Rajistaraalka Maxkamada Bulshada ee Tuulada.

ክፍል አራት

የማህበራዊ ፍ/ቤት ሬጅስትራል

15. የማህበራዊ ፍ/ቤት ሬጅስትራር ምልመላ

1. ማንኛውም የቀበሌ ነዋሪ ሆኖ ከዚህ በታች የተዘረዘሩት መመዘኛዎች የሚያሟላ የፍ/ቤቱ ሬጅስትራል ሆኖ ሊመረጥ ይችላል ፡፡
   - ሀ) ከፍተኛ ሞራና ብቃት ያለው ፤
   - ለ) ዕድሜው ከ18 ዓመት በላይ የሆኑነት ፤
   - ሐ) ከ8ኛ ክፍል በላይ የሆኑነት ፤
   - መ) በሌላ ድርጅት ያልተቀጠረ ፤
2. ቀበሌውና የከተማ አስተዳደር በንዑስ አንቀጽ 1 ላይ የተዘረዘሩትን መመዘኛዎች የሚያ ሟላ ማንኛውም የቀበሌው ነዋሪ ለፍ/ቤት ሬጅስትራል ሊመረጥ ይችላሉ ፡፡
3. ለከተማ ቀረቤታ ያላቸው ማህበራዊ ፍቤቶች ሬጅስትራር በሣምንት ውስጥ ከሰኞ እስከ ማክሰኞ ድረስ መደበኛ ሥራቸውን ያከናውናሉ ፡፡

16. የገጠር ቀበሌ የማህበራዊ ፍ/ቤት ሬጅስትራርምርጫና የአገልግሎት ዘመን

1. ማንኛውም ከዚህ በታች የተዘረዘሩትን መመዘኛዎች የሚያሟላ የማህበራዊ ፍ/ቤት ሬጅስትራል ሆኖ ሊመረጥ ይችላል ፡፡
   - ሀ) ከፍተኛ ሞራልና ብቃት ያለው ፤ ታማኝና በሕዝብ ላይ አሜኔታ ያለው ፤
   - ለ) ዕድሜ ከ18 ዓመት በላይ የሆነ ፤
   - ሐ) መጽሐፍና ማንበብ የሚችል፤
   - መ) የቀበሌ ነዋሪ ሆኖ ሕዝብን ለማገልግል ፈቃደኛ የሆነ ፤
2. የገጠር ቀበሌ አስተዳደር ከዚህ በላይ በንዑስ አንቀጽ 1 ላይ የተዘረዘሩትን መመዘኛ ዎች የሚያሟላ የቀበሌ ነዋሪ የፍ/ቤቱ ሬጅስትራል ሆኖ ሊመ ርጠው ይችላል ፡፡

PART FOUR

The Registrar of the Social Coast

Article 15 selection and employment of the social coast registrar

1. Any one, resident is the kebele who fulfils the following requirement is illegible to be nominated as registrar.
   - a) High moral character (competency and honesty gained respect).
   - b) At least 18 years of age.
   - c) Attained or graduated from grade 8.
   - d) Not employed in another office.
2. The kebeles and city administrations shall appoint as registrar on any one resident at the kebele and fulfils the requirements provided by sub-Article 1 of this Article.
3. The registrar of the social courts near the cities shall be on duty on week days starting from Monday to Thursday.

Article 16 the selection, appointment and term of office of the social court Registrarar in rural kebeles

1. Any one who fulfill the following requirements may be selected to become social court regi-strarar:
   - a) He must be transparent, honest high moral character and well respected by the community.
   - b) Not less than 18 years of age
   - c) Can read and write
   - d) Reesident in the kebele and committed to serve the society as registrar.
2. The rural kebeles may nominate as registarar on any who is resident at the kebele and fulfill the requirements provided by Sub-Article 1 of this Article.

3. Mudada Shaqo ee Rajistaraalka Maxkamada Bulshada ee Tuulada miyigu waa 2 sano.
4. Maalmaha Shaqo ee Rajis-taraalka Maxkamada Bulsho ee dhulka miyigu waxaa go'a-amin kara Maxkamada.

Qodobka 17aad <u>Awoodaha iyo Waajibaadka Rajistaraalada Maxkamadaha Bulshada</u>

Iyada oo Rajistaraalka max-kamad kasta oo bulsho uu hoostagayo Gudoonka Garso-orka ee Maxkamadaha ayuu yeelan awoodaha iyo waaji-baadka hoos ku cad:-

1. Wuxuu Gudoomaa(qabtaa) codsi-ga cabasho ee dacwadeed, wuxuu baadha, ama xaqiijiyaa hab qoraaleedka dacwada ama cabashada isla markaana in maxkamadu ay leedahay awood ay ku dhagaysato arrinta, furaána faylasha isag-oo radhiga u dhawaynaya.
2. Dadka racfaanka qaadanaaya ayuu nuqulka go'aanka u diyaariyaa dhinaca rabaa oo uu siiyaa.
3. Wuxuu saaraa ama bixiyaa amarada ka soo baxa fadhigiisa.
4. Wuxuu hagaa hawl maalm-eedka iyo arimaha maamul ee maxkamadaha.

<u>Qaybta Shanaad</u>

<u>Awoodda Garsoor ee Maxkamadaha Bulshada</u>

Qodobka 18aad. <u>Awoodda Garsoor ee [illegible]</u>

1. Maxkamad kasta oo bulsho ee Tuuladu hab·wafaaqsan bay-aankan waxay arrin a'g maa-muleed awged, awood garsoor ugu yeelan mid ka mid ah arrimaha hoos ku cad;
   b). Marka eedeysanuhu ku no-ol yahay qabalaha ay ku taalo maxkamadu
   t). Marka arrinta aasaaska u ah ismaandhaafku ay ku taalo ama ay ka dhacday qabaleega ay maxkamadu ku taalo
   j). Marka xadgudubku uu ka dhacay qabaleega ay maxkamadu ku taalo

3. የገጠር ቀበሌ ማህበራዊ ፍ/ቤት የሥራ ዘመኑ 2 ዓመት ይሆናል ፡፡
4. የገጠር ቀበሌ ማበራዊ ፍ/ቤት መደበኛ የሥራ ሰዓት በፍ/ቤቱ ይወሰናል ፡፡

17. <u>የማህበራዊ ፍ/ቤቶች ሬጅስትራር ሥልጣንና ተግባር</u>

የማህበራዊ ፍ/ቤት ሬጅስትራል ተጠሪነቱ ለፍ/ቤቱ ሰብሳቢ ሆኖ ከዚህ በታች የተዘረዘሩት ሥልጣንና ተግባር ይኖሩታል ፡፡

1. ለፍ/ቤቱ የተሚተላለፉ ፋይሎችን ይዘታቸውን በማየትና በመመርመር እንዲተላለፉ ያደር ጋል ፤
2. የይጋባኝ ውሳኔ ፋይሎችን ኮፒ አዘጋጅቶ ለይግባኝ ባዮች ይሰጣቸዋል ፡፡
3. ፍ/ቤቱ ችሎት በሚያስችልት ጊዜ ትዕዛዞችንና ማስታዎቂያዎችን ያስተላልፋ ፤
4. የማህበራዊ ፍ/ቤት መደበኛ የዕለት ተዕለት አስተዳደራዊ ሥራዎችን ያካሂዳል ፡፡

<u>ክፍል አምስት</u>

<u>የማህበራዊ ፍ/ቤት የሥልጣን ክልል</u>

18. <u>ስለ አስተዳደር ክልል ሥልጣን</u>

1. ማንኛውም የቀበሌ ማሕበራዊ ፍ/ቤት በዚህ አዋጅ አንዳንድ ጉዳይ የአስተዳደር ክልል ሥልጣን የሚኖረው ከዚህ በታች ከተዘረዘሩት ሁኔታዎች አንዱ የተሟላ እንደሆነ ነው፡፡
   ሀ) ተከሳሹ የሚኖረው ፍ/ቤቱ በተቋቋመበት ቀበሌ ውስጥ ሲሆን
   ለ) ክርክር ያስነሳው ጉዳይ የሚገኘው ወይም የተፈጸመው ፍ/ቤቱ በተቋቋመበት ቀበሌ ውስጥ ሲሆን፤
   ሐ) ጥፋቱ የተፈጸመው ፍ/ቤቱ በተቋቋመበት ቀበሌ ውስጥ ሲሆን፤

3. The term of office of the regisrar of the rural kebele social court is two years.
4. The working days of the registrar of the rural kebele social court shall be decided by the court.

Article 17 <u>power and duties of the registrar of the social court</u>

The registrar of the social court, who is accountable to the chairman of the court, shall have the following powers and duties.

1. Shall receive claims inspect and ensure the con-tents here in, at the same time ensure whether the court has jursidiction to hear such case, there fore submit to sitting of the court.
2. Shall prepare and issue to appellants a copy of the court judgment .
3. Shall issue and announce the orders of the court during session.
4. Shall administer the daily and administrative activity of the court.

<u>PART FIVE</u>

<u>JURISDICTION OF THE SOCIAL COURT</u>

Article 18 <u>territorial jurisdiction of the court</u>

1. A social court established under this proclamation shall have territorial jurisdication on the following matters.
   a) Where the accused resides in the kebele which the court is established,
   b) Where the cause of Action of matter started in the kebele in which the court is esta-blished,
   c) Where the offence was committed in the territorial jurisdiction of the kebele, in which the court was established.

2. Marka hal kiis laga oogo maxkamado badan waxaa loo aqoonsan in ay mudnaan awood garsoor leedahay maxkamada cabashada dacwadeed ee u horaysay loo gaystay oo go'aan ka gaadhi

Qodobka 19^aad^**:- Awooda-garsoor ee lacag ahaan ee arrimaha madaniga**

Maxkamada kasta oo bulsho waxay awood garsoor u leedahay arrimaha madani ee hoos ku cad;

1. Muranada lacageed ee aan ka badnayn 1000(kun) birr ama ismaandhaafyada hantiyeed ee aan ka badnayn kun birr.
2. Ismaandhaafyada la xidhiidha haysashada (qacan ku haynta) dhulka ku yaala Tulooyinka miyiga
3. Arrimaha ku taxaluqa dhism-ayaasha guryaha aan loo haysan fasax dhisme ee magaalada iyo arrimaha la xidhiidha oodaha iyo dayrka
4. Dacwadaha ka abuurma bixinta lacagaha kirada iyo adeegyada kale ee aan ka badnayn 500 (shan boqol)oo birr ee guryaha iyo jagooyinka ku yaala Tulooyinka maga-alooyinka
5. Arrimaha xeerka madaniga ee la xidhiidha oodaha, dayrka, dayactirka guryaha, daryeelka baadida maangadyada iyo tuubooyinka la isku gudbiyo ama la wadaago, arrimaha dhirta iyo geedaha iyo arrimaha la xidhiidha waajibaadyada ka dhasha biyaha roobka ee dhulka sare iyo hoose.
6. Maxkamada bulshada ee Tuulo kasta waxay bixisaa cadayn iyada oo xaqiijinaysa xaalada nololeed ee codsadaha ee lagu mutaysto adeegyada bilaashka ah ee haya'daha Dawladu ay bixiyaan.

Qodobka 20^aad^ **Awood Garsoorka Arrimaha Ciqaabta.**

Maxkamad kasta waxay awood garsoor u leedahay islamarkaana go'aan ka soo saartaa

1. Waxay eegtaa arrimaha kiisaska fudud ee ku cad qodobada xeerka ciqaabta ee kala ah 734-737, 745-757, 760-764, 768-775, 777-782, 784-785, 798,799,800-807, 811,813-816.

2. አንዱ ክስ ከአንድ በላይ ፍ/ቤቶች የቀረበ እንደሆነ የክሱ ማመልከቻ በቅድሚያ የቀረበለት ማሕበራዊ ፍ/ቤት በጉዳዩ ላይ የዳኝነት ሥልጣን እንዳለው ተቀፐር ውሳኔ ይሰጣል፣

19. **የፍትሐብሔር ጉዳዮች ሥረ ነገር ሥልጣን**

ማንኛውም የቀበሌ ማሕበራዊ ፍ/ቤት የሚከተሉት የፍትሐ ብሔር ጉዳዮች ላይ የዳኝነት ሥልጣን ይኖረዋል ።

1. ከብር 1000.00/ ከአንድ ሺህ ብር/ የማይበልጥ የገንዘብ ወይም ግምቱ ከብር 1000.00 ሺህ ብር/ የማይበልጥ ማናቸውም የንብረት ክርክር፣
2. በገጠር ቀበሌ ክልል ውስጥ ስለ ሚነሱ የመሬት ይዞታ ክርክሮች
3. በገጠር ቀበሌ ክልል ውስጥ የሚገኙ ቤቶችንና ቦታዎችን የኪራይና የሌሎች የአገል ግሎት ክፍያ ዎች በመጠየቅ የሚነሱ ክርክሮች፣
4. በከተማ የቀበሌ ክልል ውስጥ የሚገኙ ቤቶችና ቦታዎች በተ መለከተ ከብር 500የማይ በልጠ የኪራይና የአገልግሎት ክፍያዎችን በመጠየቅ የሚነሱ ክርክሮች
5. በፍትሐብሔር ሕግ ስለ ቅርንጫ ፎችና ስለ ዛፎች አጥር ወይም ቤት ስለማደስ ስለ ጠፋ ነገሮች ወይም እንስ ሶች ስለመተ ሳሰሪያ ቦዮችና ቧንቧዎች ስለ መተሳሰር መብት ስለዝናብ ውኃ እና ከወደታች ስለሚገኙ መሬት ግዴታዎች የሚነሱ ክርክሮች፣
6. ማንኛውም የቀበሌ ማህበራዊ ፍ/ቤት በመንግሥት አካላት ለማስተ ነጻ ገልግሎት የአመልካችን የኑሮ ሁኔ ለረጋገጥ ማስረጃ ይሰጣል

20. **የወንጀል ጉዳዮች የሥረ ነገር ሥልጣን**

ማንኛውም የቀበሌ ማሕበራዊ ፍ/ቤት የሚከተሉትን የወንጀል ጉዳዮች የዳኝነት ሥልጣን ይረዋል ።

1. በወንጀለኛ መቅጫ ሕግ አንቀፅ ከ734-737፣ከ745-757፣ከ760-764፣ከ768-775፣ከ777-782፣ከ784-785፣ 792-816፣ሥር የሚነሱ የደንብ መተላለፍ ክሶችን በመጀመሪያ ደረጃ አይቶ የመወሰን፣

2. Where a case was submitted to a number of social courts, the court in which the first claim is submitted shall render a verfict.

Article 19 subiect matter jurisdication of civil case

1. Any dispute involving pecuniary claims not more than 1000 birr (one thousand birr) or any dispute on property of a value not more than 1000 birr (one thousand birr).
2. Disputes relating to possession of land situated is rural kebeles.
3. Cases relating to buildings without permission, walls and fences.
4. Cases realating to payment of rent and other services not exceeding 500 birr (five hundred birr) of dwelleries and plots situated in urban or rural lands,
5. Cases relating to fences. Walls rehabilitation, maintenance of lost properly, servitudes and other common property, trees and the responsibilities that arise on rain water on the surface and under the ground.
6. the social court may issue certificates of evidence for an exeption of charges of government services, by insuring the living stander of the person.

Article 20 criminal jurisdiction of the social court

The social court shall issue a verdict on the following cases:-

1. Petty offences under Articles 734-737, 757, 760-764, 768-777-782, 780-785, 792-816 of the criminal code.

2. Waxay eegtaa go'aana ka soo saartaa kiisaska fudud ee uu xafiiska xeer illaalinta iyo caddaalada ee degmadu u soo gudbiyo maamulada tuulooyinka.

Qodobka 21aad Ganaaxyada

Maxkamad kasti:-

1. Marka eedaysanaha ay ku cadaato danbiilenimada iya-doo lagu xisaabtamayo culayska arinta ayaa lagu ganaaxi karaa mid kamid ah ganaaxyada hoos ku cad;-
   B. Digniin ama,
   T. In eedaysanuhu raali-galin waydiisto qofka dhibanaha ah.
   J. Iyadoo lagu xisaabtamayo awood lacageed ama dhaqaale ee eedaysanaha, waxay ku ganaaxi kartaa Ganaax lacageed oo aan ka badnayn 800 bir
   X. Inuu shaqo ka baxsan saacadaha shaqo u qabto mudo aan ka badnayn tobon maalmood.
   Kh. Ganaax xadhig ah oo aan ka badnayn muddo bil ah
   D. Marka dunuubta loo geystey hanti ama dhaawac jidh la gaadhsiiyay in eed-deysanaha laga qaado magdhaw aan ka badnayn 800 birr.
2. Eeddeysanah lagu helo in uu ku kacay dambiyo dhowr ah ama marar badan, maxkamada bulshadu wax-ay ku xukumi kartaa ganaax ka badan hal ganaax sida ku cad farqada koobaad ee qodobkan.
3. Hadii lagama maarmaan loo arko maxkamedu waxay amri kartaa kasokow gana-axyada ku cad firqada 2 baad ee qodobkan, waxay amri kartaa in lala wareego oo dawlada loo xareeyo hubka ama qalabka uu eeddeysanahu falka ku fuliyay.
4. Marka eeddeysanuhu falka uu gaystay goobaha lagu caweeyo cabitaanka ama goobaha kale ee la mid ka ah islamarkaana ay maxkamadu u aragto in ay ku haboon tahay waxay saari kartaa ganaax dheeri ah oo ah in ayka mabnuucdo goobahaas muddo aan ka badnayn bil

2. የወረዳ ፍትሕ ጽ/ቤት ለቀበሌ መስተዳድር የሚመራቸውን ሌሎች የደንብ መተላለፍ ክሶች በመጀመሪያ ደረጃ አይቶ የመወሰን ሥልጣን ይኖረዋል፡፡

21. ስለቅጣት

ማንኛውም የቀበሌ ማሕበራዊ ፍ/ቤት ፦

1. ተከሳሽ ጥፋተኛ መሆኑን በማገኘ ሲረጋገጥ ከዚህ በታች ከተዘ ረዘሩት ቅጣቶች መካከል እንደ ጥፋቱ ክብደት አንዱ ሊቀጣው ይችላል፡፡
   ሀ) ማስጠንቀቂ ወይም
   ለ) ጥፋተኛው ተበዳዩን ስዉ ይቅርታ እንዲጠይቀዉ ማድረግ ወይም፣
   ሐ) እንደተከሳሽ የመክፈል አቅም በማገናዘብ ከ800 ብር የማይበልጥ የገንዘብ መቀጫ ወይም
   መ) ከሥራ ሰዓት ዉጭ ከአስር ባልበለጠ ጊዜ ተጨማሪ ሥራ ያስራሉ ፡፡
   ሠ) እስከ አንድ ወር ሊሰርስ የሚችል እሥራት መቅጣት ወይም፣
   ረ) ጥፋቱ የተፈጸመዉ በንብረት ወይም በአካል ላይ ጉዳት ማድረስ ከሆነ በከሳሽ ዉዩ ቂትት ከብር 800 ያልበለጠ ካሣ ማስከፈል፡፡
2. በተደጋጋሚ ወይም ከአንድ በላይ ጥፋቶች ፈፅሞ በተገኘ ተከሳሽ ላይ ማሕበራዊ ፍ/ቤቱ ከላይ በዉስ አንቀጽ 1 ከተመለከቱት ከአንድ በላይ የሆኑ ቅጣቶችን መወሰን ይችላል፡፡
3. አስፈላጊ መሆኑን ካመነበት የቀ በሌ ማሕበራዊ ፍ/ቤት በንዑስ አንቀፅ 2 ሥር ከተዘረዘሩት ቅጣቶች በተጨማሪ ተከሣሹ የደምብ መተላለፍ ጥፋት የፈፀመበት መሣ ሪያ በዉርስ ለመንግስት ገቢ እንዲሆን ሰማ ዘዝ ይችላል፡፡
4. ጥፋተኛው መዝናኛ ቦታዎች ጥፋት የፈጸመ እንደሆነ ፍ/ቤቱ የአንድ ወር ተጨማሪ ቅጣት ይጥልበታል ፡፡

2. Petty offences submitted by the general procsecution and justicebureau of the woreda.

Article 21 Sentences Penality

Where a social court:-

1. Finds the defendant guilty, may impose according the gravity of offence any one of the following penalties:-
   A) Warn the offender;
   B) Order the offender to make an apology to the injured person.
   C) By taking into account on the financial position of the accuse, shall sentence a fine not exceeding 800 birr.
   D) Over time working hours of not exceeders to 10 days.
   E) Imprisonment not exceeding one month.
   F) Where the crime has caused damage on property or injury to a person, the court may order the defendant to pay damages not more than 800 birr.
2. Where the accused is found to have been committed in a number of offences, or committed one offence in several time the court may impose more than one sentence as provided by Sub-Article 1 on this Article3.
3. Where its found necessary, the court may order the confiscation of any properly or arms, used for the commission of a crime without prejudice the sentences provided by Sub-Article 2 of this Article.
4. Where the accused committed the crime at the refreshment centers or similar places, the court, if sees fit may pass an additional sentence of prohibiting the accused to from such places for a period not exceeding on month.

5. Maxkamadu marka ay go'aaminayso ganaax waxay miisaami culayska dambiga, xaalada nololeed ee dambiilaha, awooda dhaqaalaha iyo masuuliyada qoys ee saaran.

Qodobka 22aad Ku xadgudbida Fadhigarsoorka

1. Marka maxkamadu iyadoo ku jirta fadhigeeda garsoor lagu sameeyo cay, hanjabaad ka cabsiin ama falal kadhan ah oo buuq galin ah iyadoon qofka ku sifoobay aan balan loo qaban ayaa islamarkaaha inta ay arrinta eegto ayay saari kartaa ama ku ganaaxi kartaa ganaax aan ka badnayn 200 Birr.
2. Fadhiga garsoor ama ka baxsan fadhiga, cid maxka-mada lagula kaco buuq ama fal qalalaase galisa amaanka shaqo ee maxkamadu waxay ku ganaaxi kartaa xadhig aan ka badnayn 12 maalmood.

Qaybta Lixaad

Hannaanka Garsoor ee maxkamadaha Bulshada ee Tuulada

Qodobka 23aad Aasaas

1. Maxkamad kasta oo bulsho waxay raacaysaa hab waafaqsan hanaanka garsoor ee lagu bayaamiyay bayaankan
2. Qof kasta inta u ka soo qaybgalo fadhiga dhagaysiga ayuu arrinta laga hadlayo isagoo gudoonka fadhiga ogoolaansho marka uu ka helo inu dhaliil ama fikir ka dhiibto iyadoo maxkamadu ay go'aan ku gaadhayso iyada oo raacaysa xeer dhaqameedka bulshada iyo
3. Garsorahu wuxu yeeshisim kara Edaysanayasha isaago ka dula-ya dhaqanka deegaanka.
4. Marka loo bahado garsooruhu isaaga kadu laya dhanka ay markhahyasha dhagaysan kara.

4. ፍርድ/ቤቱ ቅጣቱን በሚወስንበት ጊዜ የጥፋቱን ክብደት የጥፋተኛውን የገንዘብ ሁኔታ ፤ የእኮኖሚ አቅምና የቤተሰብ ኃላፊነት ከግምት በማስገባት ይወስናል ::

22. ችሎት መድፈር

1. ፍርድ ቤቱ በመደበኛ ችሎቱን በሚያስችልበት ጊዜ ዛቻ ፤ ስድብና ሌላ ተመሳሳይ ረብሻ የፈጸመ እንደሆን ፍ/ቤቱ ወዲያውኑ ያለ ቀን ቀጠሮ ከ200 ብር በማይበልጥ የገንዘብ መቀጫ ይቀጣዋል።
2. በመደበኛ ችሎት ወይም ከችሎት ውጪ በፍርድ ቤት አሰራት ላይ የሚደረግ ማናቸውም ሁከት ያደረገ ፍ/ቤቱ ከ12 ቀናት በማይበልጥ እሥራት ይወስነዋል ::

ክፍል ስድስት

የማህበራዊ ፍ/ቤት ሥነ-ሥርዓት

23. መቋቋም

1. ማህበራዊ ፍርድ ቤቶች በዚህ አዋጅ ላይ የተደነገገው ሥነ-ሥርዓት መከተል አለባቸው ::
2. ማንኛውም የሥነ-ሥርዓት ተካፋይ መሃል ዳኛው ከፈቀደለት በኋላ በባህሉ ላይ ጉድለት መኖሩን አስተያየቱን መስጠት ይችላል ::
3. መሃል ዳኛው የአካባቢው ባህል መሠረት በማድረግ ተከራካሪ ወገኖች በጋራ ወይም በተናጠል ሊያደራድር ይችላል ::
4. አስፈላጊ በሚሆንበት ጊዜ ፍ/ቤቱ የአካባቢው ባህል መሠረት ምስክሮቹን ጠርቶ ማዳመጥ ይችላል።

5. The court shall take into account, the degree of the crime, the financial position,, occupation and family responsibility of the accused when imposing a sentence.

Article 22 violation of the court sitting

1. Where in hearing insult, threat, assault or obstruction is committed without postponing the case; the court shall immediately discuss the matter and issue a sentence not exceeding 200 birr to any one found guilty of the conducts.
2. Whoever in Court sitting or any where else obstrucrts or attempts to obstruct the proceeding of the court shall be imposed on sentence not exceeding 12 days.

PART SIX

PROCEEDINGS OF THE SOCIAL COURT

Article 23 Establishment

1. the social court shall follow the procedures laid down by this proclamation.
2. any one attending the proceedings may after the permission of the presiding judges raise opinion on deficiency by highting the custom.
3. The presiding judge of the court by referring to the customary laws of the area, may negotiate the parties together the separately.
4. Whenever found necessary the court may hear witnesses, the witness shall be heard in a manner consistent with the custm of the area.

5. Garsoruhu wuxu ku go'amin kasaska lo soogudbiyo wakhti koobn gudihisa.
6. go'anka maxkamadu maha inuu dhawaha xuquqda danbilaha.

24[aad] **Hannaanka Dacwad qaadida**

1. Dacwada ama cabashada waxaa maxkamada loogu soo gudbin karaa af ahaan ama qoraal hadba duruufta arrintu sida ay tahay.
2. Eeddeysanuhu waxaa uu jawaabtiisa ku bixin karaa afka ama foomka arrintaas loo diyaariyay
3. Garsooraha maxkamada ee loo xil saaray inuu eego eedda u dhaxaysa dhinacyada, isaga oo ka duulaya xeerka dhaqanka ee nawaaxigaas, ayuu si uu u heshiisiiyo dhinacyada wadar ahaan iyo mid iyo gaarkiisaba ula xaajoon karaa.
4. Maxkamadu hadii loo baahdo waxaa ay u yeedhi kartaa islamarkaana dhegeysan markhaatiyaal. Dhegaysiga maragu wuxuu noqonayaa mid ku salaysan xeerka, dhaqanka iyo caadada daga-ankooda.
5. Garsooraha waxaa looga baahan yahay in ay hadba sidii loo awoodo cabash-ooyinka iyo kiisaska loo soo gudbiyo wakhti gaaban ku dhameeyaan
6. Ganaaxyada dhinacyada la saarayaa waa in ay noqdaan ganaax lacageed oo aan meel ka dhac ku ahayn aadami-nimada

Qodobka 25[aad] Hannaanka soo dhawayntaDacwada

Dambiyada Xeer jabinta ay qaadayso maxkamada bulshadu waxaa loo soo gudbin sidan

1. Marka dambiga loo geysto jidhka qofka, xoriyadiisa, sumcadiisa ama hantidiisa waxaa dacwada soo dhawe-ysan kara dhibanaha ama qaraabadiisa ugu dhaw ama wakiilkiisa sharciga ah hadii uu jiro.
2. Marka khaladka laga galo danaha dawlad deegaanka iyo shacabka, waxaa dacwada soo dhaweynaya xafiiska ay khu-seyso ee Tuulada

5.ፍ/ቤት ዳኛው የቀረበለትን ክር ክር በአጭር ጊዜ ውስጥ ውሳኔ መስጠት ይኖረበታል ::
6. የፍ:ር/ቤቱ ውሳኔ የጥፋተኛው ሰብዓዊ መብት የሚነካ መሆን የለበትም ::

24 . <u>የክስ ሥነ-ሥርዓት</u>

1. ክሱ እንደየሁኔታው በጽ ሑፍ ወይም በቃል ለፍ/ቤቱ ሊቀርብ ይችላል::
2. ተከሳሽ መልሱን በቀል ወይም ለዚህ ጉዳይ የተዘጋጀለት ፎርም በመሟላት ለፍ/ቤቱ ያቀርባል::
3. ክሱን እንዲያየው የተመደበ ለት የፍ/ቤት ዳኛ ከመረመረ በኋላ በአካባቢው ባሕል ሕግ መሠረት ተከራካሪ ወገኖች በጋራ ወይም በተናጠል ሊያስማማው ይችላል::
4. አስፈላጊ ሆኖ ከተገኘ ፍ/ቤቱ ምስክሮችን ጠርቶ የምስክር ነት ቃላቸውን እንዲሰጡ ማዘዝ ይችላል ::
5. ክርክሩ ወይም አቤቱታው የያዘው ዳኛ ጉዳዮን በአጭር ጊዜ ውስጥ እንዲያጠናቅቅ ማድረግ አለበት::
6. በተከራካሪ ወገኖች የሚወሰን ባቸው ቅጣትና በገንዘብ መልክ ሆኖ ግን ሰብአዊ መልክ ሆኖ ግን ሰብአዊ ክብራቸውን የማይጎዳ መሆን አለበት::

25 <u>የክስ አቀራረብ ሥነ-ስርዓት</u>

ፍርድ ቤቱ የሚያያቸው ክርክሮች ከዚህ እንደሚከተ ለው ይቀርባሉ::

1. ክሱ በሰው አካል ላይ ዝናው ወይም ንብረት ላይ ያደረሰ ጉዳት የሚወሰን ከሆነ የሚከሰስ ክሱን ማሰሩ መብት ያለው ተበዳዩ ራሱ ወይም የቅርብ ዘመዱ ወይም ሕጋዊ ወኪሎቻቸው ነው::
2. ድርጊቱ በክልሉ ህዝብና መንግ ሥት ጥቅም የሚጎዳ የሆነ እንደሆነ ክስ ማስጀረት መብት ያለው በአካባቢው ያለው የመንግ ሥት መቤት ይሆናል ።

5. The presiding judge shall decide the cases submitted to the court with in reasonable time.
6. The sentence the court imposes shall not be detriment to the humanity.

24. **<u>Article Court Preceeding</u>**

1. The method of informing the party to suit may be oral or writtern as it deemed necessary.
2. The plan tift may respon their accusation by oral or by filling the specific form prepared for that purpose .
3. The judge who has designated the responsibility of the case by referring to the customery laws of the areas, may negotiate the party together and separatly .
4. Whenever found necessary the court may summon and hear witness shall be heard in a manner consistent w ith the custom of the area.
5. The presiding judge shall decide the cases submitted to the court with in reasonable time.
6. The sentence which the court imposes will be pecunery and shall not be determent to the humanity.

Article 25. <u>Procedure of sumitting the case to the court.</u>

Kebele Social court procedure of the submettin as follows :-

1. Whenever the committed the offence on th physicial body of a person , his right his goo will or his property the pantiff or his immediat family or his legal advices may submit the cas to the court.
2. When the offence commited on interst of regio and his community the case may sumittes th appropriate governmental organ who situate that reas.

Qodobka 26aad __Habka gaadhsiinta yeedhitaanada__

1. Cid kasta oo maxkamada bulshada ee tuulada dacwadi kaga furan tahay si uu arrinta lagu soo dacweeyay ula sii socdo (ogaado) islamarkaana ugu soo diyaargaroobo waxaa loo diri yeedhitaan ay ku cadahay magaca dacwoodaha, nooca dacwada iyo sidoo kale maalinka, saacada iyo goobta lagu eegayo dacwada.
2. Yeedhitaanka ay maxkamadu u dirayso dhinacyada is-dacweynaaya ama dadka kale ee loo baahdo wuxuu noqon qoraal.

Qodobka 27aad __Soo dhawaynta Caddeymaha__

1. Maxkamad kasta si ay uga go'aan gaadho arrinta la horkeeno waxay u yeedhi kartaa ama 'dalban kartaa maragyada iyo caddeymaha loo baahan yahay.
2. Shakhsi, xafiis ama hay'ad kasta wuxuu waajibaad ka saaran yahay in uu yimaado marka ay maxkamadu u yeedho ama caddeymaha la waydiiyay uu wakhtiga ku haboon soo dhaweeyo.

Qodobka 28aad __Dib u furista dacwad hore oo la xidhay__

Maxkama da arrimaha bulsha du mark ay u argot in ay Arrimo mac-qula jiran waxay joojin kara to dac-wada

Qodobka 29aad __Xaaladaha loo arko sababo macquul ah__

Qodobka 30aad Hannaanka furitaanka dhagaysiga dacwadaha

1. Dhagaysiga dacwadu waxay qabsoomi maalinka iyo saacada ay u balamiso maxkamadu.
2. Maxkamadu ka hor inta aanay furin dhagaysiga waxay xaqi-ijin joogitaanka dhina-cyada ku xusan diwaanka dacwada
3. Marka ay dacwadu tahay ciqaab, si uu eedda u dhagasto islamarkaana isku difaaco waa in uu eeddeysanuhu joogaa fadhi garsoorka.

Qodobka 31aad __Jooiinta Dacwadaha__

Dacwooduhu markasta uu la noqon karaa dacwada uu keensado ka hor inta ay maxkamada bulshadu go'aan ama xukun ka soo saarin.

26. __የመጥሪያ ሥነ-ሥርዓት__

1. ማንኛውም የማህበራዊ ፍ/ቤት ክርክር ተካፋይ የሆነ ተከሳሽ ራሱን ለመከላከል እንዲንችል የከሳሹ ስም፣የክሱ ዓይነት ቀንና ቦታ የሚያብራር መጥ ሪያ ማግኘት አለበት ፤
2. ለተከራካሪ ወገኖች የመጥሪያ ዘዴዎች በቃል ወይም በጽሑፍ ሊሆን ይችላል ።

27. __ማስረጃዎች ስለ ማቅረብ__

1. ማንኛውም ፍ/ቤት የቀረበለት ክርክር ፍትሐዊ ውሳኔ ለመ ወሰን እንዲችል ለጉዳዩ አስ ፈላጊ የሆኑት ምስክሮችና ማስረጃዎች ማየት ያስፈ ልጋል።
2. ማንኛውም ሰው፣ መሥሪያ ቤት ወይም ድርጅቱ ለምስ ክሮች ወይም ማስረጃ እንዲ ያቀርብ ፍ/ቤቱ በፈለገበት ጊዜ ሁሉ ጊዜውን ጠብቆ ትዕዛዙን በተገቢው እንዲፈጸም ሀላፊነት አለበት።

28- __የተዘጋ ክስ እንደገና መክፈት__

ፍ/ቤቱ ከአሁን በፊት ሕጉን መሰረት ያላደረገ የተዘጉ ክርክሮችን ከፍቶ ማየት ይችላል።

29. __አሳማኝ የሆኑት ሁኔታ__

ፍ/ቤቱን የክርክሩን ሂደት መቋረጥ የፀጥታ ጠቀሜታ ያለ መሆኑን የተረዳ እንደ ሆነ ክርክሩን ያቋርጣል።

30. __ክሱ ሥነ-ሥርዓት__

1. የክርክሩ ሥነ-ሥርዓት የሚጀ መረው ፍ/ቤቱ በወሰነው ሰዓትና ቀን ነው ።
2. ክርክሩ ከመሰማቱ በፊት ፍ/ቤቱ የተከራካሪ ወገኖች መቅረባቸው ያረጋግጣል።
3. በወንጀል ችሎቶች ተከሳሽ ክሱን ሰምቶ ለመከላከል እዲመቸው ራሱ በችሎት ላይ ማቅረብ አለበት።

31. __ክስ ስለ ማቋረጥ__

ማንኛውም ከሳሽ በፈለገ ጊዜ ማህበራዊ ፍ/ቤት የያዘውን ጉዳይ ውሳኔ ከመስጠቱ በፊት ክሱን ሊያቋርጥ ይችላል ።

Article 26 __procedure of serving summons__

1. Any one who is party to a suit in the social court in order to follow and prepare himself for the proceedings, shall be informed by indicating the name of the plaintiff type of the suit data and the place of the suit.
2. The method of informing the patties to a suit may be oral or written.

Article 27 __presnting evidences__

1. the social court, it order to decide a case, may summon witnesses, or order that evidences shall be brought before it,
2. Any person, bureau or authority has an obligation to appear before the court where he is summoned, or present evidences in the appropriate time.

Article 28 __re-opening a closed case__

Whenever the social court presumed the closure of the case is inconsistent to the procedure of the case, it may re-open the case.

Article 29 __The reasonable circustance__

Whenever the kebele social court presumed the security and well being of the community at risk it may suspended the case for time.

Article 30 __the procedure of hearing a case__

1. The hearing of a case shall held on the date and time specified by the court,
2. Before hearing, the court shall ensure the presence of the partie.
3. In criminal proceedings, in order to enable the accused to hear his case and defend, himself, he shall be present all the proceedings.

Article 31 __suspension of the case__

The plaintiff may withdraw his claim any time before the social court issues a verfict.

Qodobka 32[aad] <u>Xidhida Dacwadaha</u>

Maxkamad kasta oo bulsho marka arrinka madaniga ay eegayso u aragto in ay ka sareyso awood garsoorkeeda, waxaa la xidhi dacwada islamarkaasna la sabootiyi dhinacyada.

Qodobka 33[aad] <u>Habka go'aan bixinta</u>

Maxkamad kasta oo bulsho:-

1. Go'aanada dacwadaha waxaa lagu gaadhayaa cod buuxa, hase ahaate marka ay suur-oobin in cod buuxa la isku raaco, waxaa lagu go'aan qaadan cod hal dheeri ah iyadoo fikirka gaarka ahna lagu xusayo go'aanka.
2. Go'aanka la ridayo waxaa lagu xusayaa arrimiha lagu soo qaaday dooda, caddeymaha la soo dhaweeyay iyo sababaha loogu saleeyay go'aanka oo kooban.

Qodobka 34[aad] <u>Habka Fulinta</u>

1. Maxkamada bulshadu Go'aan kasta oo ay gaadho hadii ayna maxkamada racfaanku hakin, waxaa fulintiisa la gali shan maalmood kadib marka go'aanka la gaadhay. Hadii aysan xayirin maxkamada racfaanku, go'aanka ay gaadho maxkamad kasta oo bulsho waxaa fulintiisa la bilaabayaa shan cisho kadib maalinka go'aanka la gaadhay.
2. Iyada oo la eegayn arrimaha ku cad farqada 1 aad ee qodobkani, goaan racfaan laga qaatay iyo ganaax kasta oo xadhig ama dib u eegis ama dhigaaya in la bixiyo ganaax lacageed oo ka sareeya 400 ama qiyaas hanti qiyaasta qiimaheedu ka sareeyo 500 oo birr hadanay maxkamada degmadu joojin, go'aanka waxaa la fulin 25 maalmood kadib marka go'aanka la gaadhay.

32. <u>ክስ ስለ መዝጋት</u>

ማንኛውም ማህበራዊ ፍ/ቤት የያዘው የፍትሐብሔር ጉዳይ ከሥልጣኑ በላይ መሆኑን ሲያውቅ ክሱን ይዘጋዋል ፡፡

33. <u>የውሳኔ አሰጣጥ ሥነ-ሥርዓት</u>

ማንኛውም ማህበራዊ ፍ/ቤት

1. ውሳኔ የሚያስተላልፈው በሙሉ ድምጽ ነው ሆኖም ግን በሙሉ ድምጽ በማይኖርበት ጊዜ በአብዛኛው ድምፅ እንዲወሰን በማድረግ የተለዩ ሀሳብ ያለው ዳኛ ደግሞ በውሳኔ ላይ ይጠቀሳል፡፡
2. የክርክሩ ፍሬ ነገሩ የግራ ቀኙ ክርክሮች የምስክርነት ቃል ለክርክሩ የቀረበው ማስ ረጃ ዓይነት በሁሉ በውሳ ኔው ላይ መጠስ አለበት፡፡

34. <u>*የውሳኔ አፈጻጸም ሥርዓት*</u>

1. የማህበራዊ ፍ/ቤት ውሳኔው የይግባኝ ፍ/ቤት ካላቋረጠ በስተቀር ከተወሰነበት ቀን ጀምሮ በአምስት ቀናት ውስጥ መፈፀም አለበት፡፡
2. በንዑስ አንቀጽ 1 ላይ የተጠቀሱት ድንጋጌ እንደተጠበቀ ሆኖ ይግባኝ የተባለበት የፍርድ ውሳኔ እና ማንኛውም የእሥራት ቅጣት ወይም ሪፍጅችመንት ወይም ከ400 ብር በላይ የገንዘብ ቅጣት ወይም ከ500 ብር በላይ ዋጋ ያለው ንብረት የሚመለከት ውሳኔ ወረዳ ፍ/ቤት ካላገደው በስተቀር ውሳኔው በ25 ቀን ውስጥ ተፈፃሚ መሆን አለበት፡፡

Article 32 <u>closing the case</u>

Whenever a social court finds that a civil brought before it, is coutside its jusrisdiction the court shall close such case.

Article 33 <u>judgement issuing procedure</u>

<u>A social court</u>

1. Shall decide a case by absolute majority, however where absolute majority vote can't be obtained, the court may deride by a simple majority vote, where as special opinion shall be highlighted.
2. In judgement , the statement of the parties, evidences presented and the reason the judgement is based shall be stated it summary.

Article 34 <u>Execution of judgement</u>

1. A social court judgement, unless stayed by the appellate court shall be executed within five days starting from the announcement.
2. Without prejudice the provision of the preceding sub-Article 1, if appeal was taken from matters such as terms of imprisonment, or review of fine sentence more than 400 birr, or property valued more than 500 birr if the woreda court hasn't stayed such judgement shall be executed within 25 days starting from the announcement of the judgement.

3. Ganaax kasta oo lacageed oo ay maxkamada bulshada ee tuuladu go'aamiso inkastoo uu yahay dakhli dawladeed maamulka tuuladu si uu uga midha dhaliyo hawlihiisa shaqo wuxuu lacagaha uu uruuriyo wuxuu hawl fulin ahaan u isticmaali boqolkiiba konton (50%) iyadoo 50% ee hadhaagana loo xareynayo (shubayo) dawlada.
4. Qof kasta oo awooda in uu bixiyo lacagta lagu xukumay marka uuna diyaar u ahayn in uu bixiyo waxaa la amri in go'aanka lagu fuliyo hantidiisa.
5. Marka lagu qanco in ganaaxa la go'aamiyay uu ku yimiday sababo ka baxsan awooda dambiilaha ganaaxa waxaa loogu badali karaa in uu qabto shaqo dan bulsho ah.
6. Hab waafaqsan bayaankan xabsiga lagu fulinayo ganaaxyada xadhigu wuxuu noqon goobta ay maamulka tuuladu ugu talagalaan in lagu hayo cidd kasta oo ganaax xadhig ah la saaro.

Qodobka 35aad Habka qaadashada racfaanka

1. Marka go'aanka ay maxkamadu rido uu ku qanci waayo mid ka mid ah dhinacyadu, waxay muddo shan maalmood ah laga bilaabo maalinka ay maxkamadu gaadhay go'aanka u gudbin kartaa racfaan garsoorayaasha eegista racfaanka.
   Hase ahaatee, wax ka baxsan waxyaabahan hoos ku faah faahsan lagama qaadan karo racfaanka, waxaana ka mid ah:-
   b) Hadii maxkamadu dhukumeenti ama cadaymo arrinta ku saabsan oo loo keenay ay eegi weydo
   t) Hadii go'aankoodu yahay mid lagu fuliyay qaab eex ku salaysan
   j) Hadii uu xiliga dooda dhinacyada mid ka mid ah oo keliya dhegeysto dhinaca kalana dhegeysan waayo;
   x) hadi dhinac lagu cadaadiyo lacag awgeed ama xulays kale.

3. ማንኛውም የቀበሌ ማህበራዊ ፍ/ቤት የገንዘብ ቅጣት ውሳኔ ምንም እንኳን የመንግሥት ገቢ ቢሆንም የቀበሌው አስተ ዳደር የሚያከናዉ የል ማት ሥራዎች እገዛ እንዲ ሆን የተሰባሰበው የፍ/ቤት ቅጣት ገቢዎች ላይ 50% ለሥራ ማስኬጃ መልክ ማጠቀ ም መብት አላቸው። የቀረው 50% ደግሞ ለመንግሥት ፈሰስ ይደረጋል።
4. ማንኛውም የገንዘብ ቅጣት እንዲከፍል የተወሰነበት ሰው ቅጣቱን የመክፈል አቅም እያለው ካልከፈለ ቅጣቱ በን ብረቱ ላይ ተፈፃሚ እንዲሆን ይደረጋል።
5. የቅጣቱ ምክንያት ከጥፋተ ኛው አቅም በላይ መሆኑን የታመነ እንደሆነ ወደ ጉል በት ቅጣት እንዲለወ ጥለት ይደረጋል።
6. በዚህ አዋጅ ድንጋጌዎች መሠረት በማድረግ የእሥ ራት ቅጣት የተወሰነ ባቸው እሥረኞች የሚቆ ዩበት እስር ቤት የቀበሌው አስተ ዳደር የወሰነበት ቦታ ይሆናል።

35. ስለ ይግባኝ ሥነ ሥርዓት

1. ማንኛውም በማህበራዊ ፍ/ቤት ውሳኔ ቅር የተሰኘ ወገን ውሳኔው ከተወሰነበት ጊዜ ጀምሮ በአምስት ቀን ውስጥ ለይግባኝ ሰሚ ፍ/ቤት ማስተላለፍ ይችላል። ሆኖም ግን ከዚህ በታች የተዘረዘሩት ጉዳዮች ውጭ በስተቀር ይግ ባኝ ለማለት አይፈቀድም።
   ሀ) ፍ/ቤቱ የሰነድ/ ማስረጃ ማረጋገጫ ቀርበሉት ሳይ ወሰን ሲቀር
   ለ) ውሳኔው በአድሉ የተሞላ እንደሆን
   ሐ) ፍ/ቤቱ የአንድ ወገን ክርክር ብቻ ያዳመጠ እን ደሆነ
   መ በአንድ ወገን የገንዘብ ወይም የሌላ ምክ ንያት ተጽእኖ የተደረገ እንደሆነ

3. Where as, the fine ore state revenue, therefore the kebele administration for the proper accomplishment of the mission, may use 50% of the collected fines for execution activities and deposit the remaining 50% to the state revenue.
4. Where the defendant is able to pay such fine, but is not willing, the court shall order that the judgement shall be executed on his property.
5. Where the court finds that defendant, the court may change the sentence to compulsory labor.
6. A cording to this proclamation sentences or imprisonments passed by the social court shall be executed on the place decided by the kebele administration .

Article 35 Appeals

1. Where a party to suit isn't satisfied to a social court judgement such party may submit an appeal to the appellate judges within 5 days.
   However an appeal may be taken only on the following matters.
   a))Where the court refused to hear evidence or material witness
   b) Where the judgment is impartial
   c) Where the court heard one of the parties and not the other.
   d) Where the judge is unduly influenced by one party whether by bribes or other things that may obstruct the proceedings.

2. Racfaanka waxa lagu soo gudbin karaa muddo 30 maalmood gudahooda ah oo laga bilaabo maalinta go'a-anka la gaadhay;
3. Maxkamada dhegaysiga racfa-anku markay ay baadhaan arrinta racfaanka laga soo qaatay hadii ay u arkaan in mid ka mid ah afarta xaaladood ee kor lagu soo sheegay lagu kacay, iyaga oo gudoomaya racfaanka una yeedhaya dhinaca racfaanka laga qaatay ayay isku dayayaan in ay iyagu dhex-dhexaadiyaan. Hadii ay heshiin waayaana waxaa uu gaadhayaa go'aanka uu aaminsan yahay. Go'aahkaasina wuxuu noqonayaa midka kama dambaysta ah.
4. Inkasta oo waxyaabahaas kor lagu soo faa faahiyay ay jiraan , hadana hadii labada dhinac ee arrintu ka dhaxayso ay arrintooda maxkamada ugu soo dhaweeyaan qaab ay heshiis ku yihiin, arrinta racfaankooda waxaa lagu eegaayaa qaab waafaqsan nidaamka habka xeerka ee caadiga ah.

Qaybta Todobaad

Qodobo kala duwan

Qodobka 36[aad] Kharashyada Garsoor

Kharashyada arrimaha loo soo dhaweeysto maxkamada, dhinacyada ay dacwadu ka dhaxayso mid walba wuxuu dabooli kharashkiisa, hase ahaate haduu dacwooduhu si ku talagal ah u dacwada u keensado in uu dacwaysanaha ku dhibaateeyo ay maxkamadu u aragto, waxay go'aansan kartaa in dacwooduhu dacwaysanaha u celiyo khasaare dhan illaa 250 birr.

Qodobka 37[aad]: lacagaha garsoorka

1. Arrimaha lagu eeg'yo maxkamada bulshada ee tulooyinka waxaa laga qadi cadadka ku haboon oo kharash garsoor.

2. ማንኛውም ጉዳዩ ያመለከተኛል የሚለው ወገን በ30 ቀን ውስጥ ይግባኝ ያለ እንደሆን ፤
3. ይግባኝ ፋይል የቀረበለት ፍ/ቤት በመጀመሪያ ጊዜ የሚፈትሸው ጉዳይ ይግባኝ የተባለበት ጉዳይ አሳማኝ ሁኔታ መኖሩንና ጉዳዩ ከሕግ ድንጋጌዎች ጋራ የተዛመዱ መሆኑን ካረጋገጠ በኋላ ተከራካሪ ወገኖች መጥሪያ በመላክ ሁለቱ እንዲስማሙ ያግባባል ሆኖም ግን ይህ ካልሆነ ፍ/ቤቱ በይግባኙ ላይ ውሳኔ ይሰጣል ይህ ውሳኔ ደግሞ የመጨረሻ ውሳኔ ይሆናል፡
4. በንዑስ አንቀጽ 3 ላይ የተጠቀሱት ድንጋጌዎች እንደተጠበቁ ሆኖ ተከራካሪ ወገኖች ጉዳያቸው በድርድር እንዲታይ ፍ/ቤቱን የጠየቁት እንደሆነ ፍ/ቤቱ ጉዳዩን በአካባቢው ባህል ሕግ መሠረት በማድረግ ጉዳዩን ያስተናግዳል።

ክፍል ሰባት

ልዩ ልዩ ድንጋጌዎች

36. የዳኝነት ገንዘብ

ተከራካሪ ወገኖች በፍ/ቤቱ ያቀረቡት የክርክር ጉዳይ ላይ እያንዳንዱ ወገን የፍርዱ ግብር የመክፈል ኃላፊነት አለበት ሆኖም ግን ፍ/ቤቱ አንደኛው ወገን ሌላኛው ተከራካሪ ወገን ለመጉዳት ሆን ብሎ ክስ የመሰረተ እንደሆነ ከተገነዘበ ከሳሽ ለተከሳሽ 250 ብር የሚደርስ የኪሣራ ገንዘብ እንዲከፍለው ሊወስን ይችላል።

37. የፍ/ቤቱ ገቢ

1. የቀበሌ ማህበራዊ ፍ/ቤት የሚቀርብላቸው ጉዳዮች ተገቢ የፍርድ ገንዘብ እንዲከፍሉ ያደርጋል።

2. An interested party may file an appeal within 30 days from the announcement of the judgement.

3. Where a memorandum of appeal is submitted to thc appcllatc court, thc court shall first examinc whether the grounds of appeal are corresponding to provisions of the preceding Article, then may summar the appeallate and try to negotiate the matter, however if negotiation fails, the court shall render the verdict if sees fit such verdict is final.

4. Without prejudice the provisions of the preceding sub-Article, where the parties submit to court they prefer arbitration, the court may hear such case in the manner prescribed by the customary law.

PART SEVEN

Miscellaneous Provisions

Article 36 Court fee

where as, the parties shall cover themselves for costs during the proceedings, however, where the court ascertains that plaintiff instiuted the suit with intent to cause undue inconvenience to the defendant, it may order the plaintiff to pay 250 birr to the defendant.

Article 37 Judicial Revenue

1. The cases submitted to the social courts at the kebeles shall be charged on reasonable and appropriate fee.

2. Lacagaha garsoor ee hab wafaaqsan farqada 1[aad] ee qodobkani waxaa lagu bixin (fulin) hawlaha maxkamada bulshada.
3. Iyadoo ay sidooda yihiin farqada 1aad iyo 2aad ee qodobkan maxkamada bulshada ee Tuula kasta waxay bixin kartaa adeeg bilaash ah iyadoo xaqiijinaysa xaalada nolooleed ee codsadaha.

Qodobka 38[aad]: Hanaanka Uruurinta Lacagaha Ganaxyada

1. Maxkamadaha bulshada ee Tuuladu lacagaha ganaxyada ee ay go'aamiyan waxay ku qaban rasiid sharci ah.
2. Faah-faahinta arrintaa waxaa qeexi doono awaamiir u soo saaro xafiiska Maaliyada iyo Horumaarinta Dhaqaalaha Deegaanka.

Qodobka 39[aad] Warbixinta Maxkamada

Maxkamada bulashadu waxay si joogta ah ugu soo gudbin warbixinteeda ku saabsan waxqabadka shaqo iyo dhibaatooyinka ka hor yimid golaha Tuulada, hadba siday xaaladu tahay maxkamada arrimaha magaalada ama maxkamada degmada.

Qodobka 40[aad] Waajibaadka ku Qacansiin

Xafiisyada iyo hay'adaha dawliga wuxuu waajibaad ka saaran yahay in ay ku gacsiiyaan sidi ay xubnaha loo doortay maxkamada bulshadu uga midha dhalin lahaayeen waajibaadkooda shaqo.

Qodobka 41[aad] Shuruucda Aan Dhaqangalka Lahayn

Sharci, xeer, awaamiir iyo hab dhaqameed kasta oo shaqo oo ka hor imanaaya qodobada bayaankani dhaqangal kuma noqonayo arrimaha lagu xeeriyay bayaankan.

2. በንዑስ አንቀጽ 1 መሠረት የተሰባሰበው ገቢ ለፍ/ቤት ሥራ የሚውሉ ይሆናል፡፡
3. በንዑስ አንቀጽ 1 እና 2 ላይ የተደነገጉት ድንጋጌዎች እንደተጠበቀ ሆኖ ማንኛውም የቀበሌ ማህበራዊ ፍ/ቤት የከሳሹን ኑሮ ሁኔታ ከግምት በማስገባት ነፃ የፍርድ አገልግሎት ሊሰጥ ይችላል፡፡

38. የቅጣት ገንዘብ አሰባሰብ ሥርዓት

1. የቀበሌ ማህበራዊ ፍ/ቤት የቅጣት ገንዘብ በሕጋዊ ደረሰኝ አማካይነት ይሰበ ስባል፡፡
2. ዝርዝር ጉዳዩ በፋይናንስና ኢኮኖሚ ልማት ቢሮው በሚያወጣው መመሪያ ይወሰናል፡፡

39. የፍ/ቤት ሪፖርት

ማህበራዊ ፍ/ቤት ለቀበሌ መስ ተዳድር ም/ቤት ለከተማው ጉዳይ ፍ/ቤት ወይም ለወረዳ ፍ/ቤት መደበኛ ፍ/ቤት ሥራ እንቅስቃሴና ያጋጠሙት ችግ ሮች የሚያብራራ የሥራ ሪፖ ርት ያስተላልፋል፡፡

40. የሥራ ትብብር ግዴታ

ማንኛውም የመንግሥት መ/ቤ ቶችና ድርጅቶች ፍ/ቤቱ ይህን አዋጅ ለማስፈጸም በሚ ደረ ገው እንቅስቃሴ የመተ ባበር ግዴታ አለበት ፡፡

41. ተፈፃሚነት የማይኖራቸው ሕጎች

ከዚህ አዋጅ ጋር የሚቃረን ማንኛውም ሕግ ፣ ደንብ ወይም የአሠራር ልምድ በዚህ አዋጅ በተሸፈኑት ጉዳዮች ላይ ተፈፃሚ ነት አይኖረውም ፡፡

2. The revenue collected in accordance the preceding Sub-Article shall be used on enforcement a activities.
3. Without prejudice the provisions of the preceding sub-Article 1 and 2 the court may give a free service by insuring the financial position of plaintiff.

Article 38 Procedure of collecting the fines

1. The social court of the kebele shall collect fines by a legal receipts .
2. The details will be defined by the directives of the finance and economic development bureau.

Article 39 Court report

The kebele social court may consecutively sumitted to kebele administrative council, urban court or woreda court , their performance report and the challenges they come across.

Article 40 Duty to co-operate

All public organs and state bureaus shall have a duty to co-operate to the social court for the proper accomplishment of its mission

Article 41 Inapplicable laws

Any law, regulation or practice inconsistent with proclamation shall not be applied with respect to matters provided for in this proclamation.

Qodobka 42[aad] Awooda Soo Saarida X/nidaameed Iyo Awaamiir

Golaha hawl-fulinta ee deegaanku wuxuu awood u leeyahay soo saarista x/nidaameedyada muhiimka u ah habsami u fulinta qodobada bayaankan.

Qodobka 43[aad] Mudada Dhaqangalka Bayaankan

Bayaankani wuxuu dhaqangalayaa laga bilaabo maalinta u golaha deegaanku ansixiyo.

Muddane Cabdi Maxamuud Cumar
Madaxwaynaha Dawlada Deegaanka Soomaalida
Jig-jiga

42. ደንብ የማውጣት ሥልጣን

የክልል መስተዳደር ምክር ቤት በአዋጁ ላይ የተደረ ጉትን ጉዳዮች በአግባቡ ለማስ ፈጸም የሚያስችሉ ደንቦችን የማውጣት ሥልጣን አለው ።

43. አዋጁ የሚፀናበት ጊዜ

ይህ አዋጅ በክልሉ መስተዳድር ም/ቤት ከፀደቀበት ቀን ጀምሮ የፀና ይሆናል ።

አብዲ መሀመድ ኡመር
የሶማሌ ክልላዊ መንግሥት
ርዕሰ መስተዳደር
ጅጅጋ

Article 42 Powers to issue regulations and directives

The executive council of the regional state shall have the power to issue regulations necessary for the proper implementation of the provisions of this proclamation .

Article 4 3 Effective Date

This proclamation shall come into force on the day the regional council approves.

Mr. Abdi Mohamud Omar
SRS President

Jijiga