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Disciplinary Actions Against Lawyers Under Saudi Law

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Abstract

The integrity of the legal profession is essential to upholding justice and public trust, requiring effective mechanisms to address professional misconduct. In Saudi Arabia, the regulatory framework for lawyers' conduct has developed through the Code of Law Practice and its amendments. This study examines disciplinary procedures under Saudi law, focusing on the Disciplinary Committee's composition and powers, procedural safeguards, appeals, and penalties. It evaluates whether existing protections sufficiently ensure fairness and proposes reforms to enhance transparency. Using a qualitative doctrinal approach, the research analyzes primary sources such as the Code of Law Practice (Royal Decree M/38/1422H) and its 2024 Implementing Regulations, along with scholarly commentaries. Findings show the Disciplinary Committee includes a judge, an experienced lawyer, and a third expert appointed by the Minister of Justice, with decisions appealable to the Board of Grievances. Safeguards like the right to defense, impartiality standards, and closed proceedings seek to balance accountability with fairness. Yet, ambiguities remain, particularly the undefined expertise of the third committee member and limited oversight of dismissed complaints. Penalties range from warnings to license revocation, carrying significant professional consequences. The study concludes that while Saudi law provides a structured disciplinary system, gaps in procedural clarity and oversight persist. Recommended reforms include clarifying committee qualifications, refining suspension rules, and harmonizing regulatory language. These measures would reinforce legal safeguards, ensuring disciplinary actions uphold professional standards while protecting lawyers' rights.

Keywords: Disciplinary Actions Against Lawyers, Code of Law Practice, Disciplinary Penalties, Investigation Safeguards, Appeals, Disciplinary Committee for Lawyers

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Introduction

Disciplinary procedures are considered a fundamental cornerstone in maintaining the integrity and reputation of the legal profession, as they enhance professional discipline and ensure adherence to ethical and legal standards. These procedures consist of a series of structured steps, starting with an initial investigation and evidence collection, followed by hearings for the involved party, and culminating in issuing a final disciplinary decision that may range from a warning to suspension or even revocation in cases of serious violations. (Al-Mahmoud, 2013) This system emphasizes the importance of balancing the lawyer's right to a fair defense with the legal system's requirements to uphold professional standards, fostering trust in the judicial system, and promoting justice.

The Kingdom of Saudi Arabia has established a comprehensive legal framework to regulate the legal profession through the Code of Law Practice, issued by Royal Decree No. M/38 dated 28/7/1422H. This law outlines the conditions for practicing law, the rights and obligations of lawyers, and the disciplinary procedures governing their conduct, following amendments by Royal Decree No. M/66 dated 15/07/1443H, significant changes were introduced, including modifications to the required training period for legal licensing and new regulations for foreign law firms operating in the Kingdom (Asiri, 2023). As a result, the law expanded to fifty-five articles across five chapters.

Chapter Three of the Code of Law Practice (Articles 29 to 37) is dedicated to disciplinary provisions for lawyers. It defines the framework for investigating and sanctioning lawyers who violate the law or professional ethics. This chapter outlines the procedures for initiating disciplinary actions, conducting investigations, and imposing sanctions. To further detail these provisions, the Minister of Justice issued Resolution No. 2403 dated 6/09/1443H, specifying the rules for disciplinary proceedings and the initiation of disciplinary lawsuits against lawyers.

The new Implementing Regulation of the Code of Law Practice, issued by Minister of Justice Resolution No. 676 dated 19/04/1446H (22/10/2024 A.D.), includes Chapter Eight, which comprehensively governs the disciplinary process. This chapter addresses professional violations, investigation procedures, functioning disciplinary bodies, and sanctions enforcement.

In addition to the Code of Law Practice and its Implementing Regulation, other regulations shape the legal profession in Saudi Arabia. These include the Saudi Bar Association Charter and the Professional Code of Conduct for Lawyers, issued by Minister of Justice Resolution No. 3453 dated 24/12/1442H (3/08/2021 A.D.). These

frameworks collectively regulate lawyers' conduct and provide mechanisms for maintaining professional standards.

This research thoroughly analyzes the disciplinary provisions outlined in the Saudi Code of Law Practice and its newly issued Implementing Regulation, effective January 15, 2025. It aims to address critical questions, including:

- How is the Disciplinary Committee formed, and what are its functions?
- What are the procedures and safeguards for disciplining lawyers under Saudi law?
- What is the mechanism for appealing disciplinary decisions?
- What are the types of disciplinary sanctions imposed on lawyers, and what are their legal consequences?

Methodology

This research employs a qualitative doctrinal methodology, systematically analyzing primary legal sources, *including the Code of Law Practice, its amendments, the new Implementing Regulation, and* relevant secondary literature such as scholarly articles and legal commentaries. The study focuses on dissecting the legal framework governing disciplinary actions against lawyers under Saudi law, with particular emphasis on the formation and functioning of the Disciplinary Committee, the procedural safeguards during investigations, the appeal mechanisms, and the range of disciplinary penalties imposed. By conducting a detailed document analysis and comparative examination of the pertinent legal texts, the research aims to clearly interpret the current disciplinary system and offer recommendations to enhance legal safeguards within the profession.

The Legal Framework for Disciplinary Procedures

The disciplinary procedures for lawyers in Saudi Arabia are governed by a comprehensive legal framework established under the Code of Law Practice (Royal Decree No. M/38, 2001) and its Implementing Regulations (Ministerial Resolution No. 676, 2024). These regulations aim to uphold professional ethics, ensure accountability, and maintain public trust in the legal profession. The framework is further supported by subsidiary regulations, including the Professional Code of Conduct for Lawyers (Ministerial Resolution No. 3453, 2021) and the Saudi Bar Association Charter (Al-Mahmoud, 2013).

Formation of the Disciplinary Committee

Ministerial resolution establishes the Disciplinary Committee for lawyers in Saudi Arabia under Article 31 of the Code of Law Practice (Ministry of Justice, n.d.). It

consists of three members: a judge, a lawyer with at least ten years of experience, and a third member selected by the Minister, while the Minister designates one as chairperson. Some researchers argue that the judge should ideally be the chairperson due to the committee's judicial nature (Al-Sharqawi, 2023). Members serve renewable three-year terms, with substitutes appointed to ensure continuity (Ministry of Justice, 2024).

The committee convenes by majority vote, and its decisions can be appealed within 60 days after notifying the lawyer. All members are required to possess the necessary academic and professional qualifications (AZZAM, 2025). Additionally, the committee has a secretary responsible for maintaining records and organizing meetings (Article 72, 2024 Implementing Regulations), and substitute members are named in cases of absence or resignation (Article 73, 2024 Implementing Regulations). Meetings can be held in person or remotely (Article 74, 2024 Implementing Regulations).

Prosecution before the committee is conducted by experienced employees and consultants (Article 71, 2024 Implementing Regulations) representing the Ministry of Justice or the Saudi Bar Association. The committee is authorized to impose sanctions, ranging from warnings and financial penalties to suspensions and license revocation, against lawyers who breach professional duties, ethics, or the Code of Law Practice (Article 29). It handles only professional or behavioral violations, while criminal offenses are dealt with by the appropriate criminal court (Articles 37 and 88, 2024 Implementing Regulations). Furthermore, the committee may request documents, statements, and expert opinions to support its decisions (Article 77, 2024 Implementing Regulations).

Procedures for Disciplinary Actions

The process starts when a complaint or report is submitted to the Ministry of Justice using the prescribed forms (Articles 64, 68). The Ministry's department then conducts an initial investigation, summoning the lawyer to address the alleged misconduct and present a defense (Article 69, 2024 Implementing Regulations). If the lawyer fails to attend, the case is documented and referred to the Disciplinary Committee. After this review, the department either dismisses the case due to insufficient evidence or passes it on for further review (Article 70).

Before the committee's hearing, the lawyer must be notified at least 15 days in advance and can appear in person or through representation (Article 32). As noted by Al-Khinain (2020), while default judgments in the lawyer's absence are exceptional, they are allowed because penalties (such as removal from the register, license revocation, or suspension) can be enforced without personal attendance.)

The committee's decision must be well-reasoned, communicated in a closed session, and formally notified to relevant judicial and administrative bodies (Article 33). Local newspapers also publish severe penalties to inform current and potential clients.

Additional safeguards ensure the lawyer's right to defend themselves from the outset (Al-Ra'wa, 2023) and require that Committee members remain impartial, recusing themselves in conflict of interest (Article 76, 2024 Implementing Regulations). The committee conducts its proceedings in closed sessions, records all details (Article 79), and may use written or electronic formats for hearings (Article 78). It holds the authority to request documents, witness statements, and expert opinions (Article 77) and can suspend the lawyer, with clear grounds, for a defined duration, and appeal rights (Article 75).

The relevant authorities are notified if criminal offenses are uncovered during the investigation (Article 80). Ultimately, the committee must deliver its decision within 60 days, extendable once, if necessary, with full details of the violation and evidence (Articles 81–82). The disciplinary action concludes upon a final decision, the lawyer's death, loss of legal capacity, or deregistration (Article 83).

Appeal Mechanisms

One of the safeguards provided by the law for a lawyer referred for disciplinary action is the right to appeal the disciplinary decisions issued against them before the Administrative Judiciary (Board of Grievances) (Al-Ra'aw, 2023). Article 31 of the Code of Law Practice states that the decisions of the Disciplinary Committee shall be appealable before the Board of Grievances within sixty (60) days from the date the penalty decision is notified to the affected party. The appeal of Disciplinary Committee decisions before the Board of Grievances is governed by the provisions of the Board of Grievances Law of 1428H, the Law of Procedure before the Board of Grievances of 1435H, and the Code of Law Practice of 1422H.

Article 34 of the Code of Law Practice concerning default decisions states that a lawyer may object to a default decision issued against them within fifteen (15) days from the date of notification or delivery of a copy of the decision. The objection shall be submitted by the lawyer or their representative to the Disciplinary Committee through its president. This provision grants disciplinary decisions made in absentia an additional opportunity for review by the Disciplinary Committee before an appeal can be made to the Board of Grievances (Sufian Tawfiq, 2025)

The objection shall be recorded with the Disciplinary Committee, which reviews the objection and examines any new evidence or documents presented by the lawyer. The committee then shall issue its final decision on the objection, either upholding or modifying its original decision as it sees fit (Al-Najidi, 2018). Naturally, its final decision is appealable before the Administrative Court (Board of Grievances).

Disciplinary Penalties for Lawyers

Disciplinary penalties, as set out in Paragraph 3 of Article 29 of the Code of Law Practice, range in severity based on the violation. For example, if a lawyer is convicted of a crime that undermines honor or integrity (such as bribery, fraud, or forgery), they may face:

- Removal and revocation: The lawyer's name is removed from the register, and their license is revoked. This is the most severe penalty, comparable to dismissal from public sector jobs (Al-Thaqib, 2008; Al-Najidi, 2018; Al-Hanaki, 2019).
- Suspension: The lawyer may be suspended from practice for up to three years. During this period, they are shifted from active practice, their office is closed, and failure to comply can lead to removal and revocation (Article 35, Article 87).
- Warning or Financial Fine. Lesser penalties include a formal warning or a fine of up to 300,000 riyals per violation.

Under the 2024 Implementing Regulations, Paragraph 2 of Article 85 confirms that removal and revocation occur for crimes undermining honor or integrity, aligning with the Code. In terms of re-entry into practice, Article 36 allows a lawyer removed from the register to request re-registration after three years, while Article 86 specifies a five-year wait for those convicted of dishonorable crimes, with a possibility to reapply after one year if initially denied (Ahmed, 2025).

This framework clearly defines the consequences of violations and the conditions for a lawyer's potential return to practice (Al-Thaqib, 2008; Al-Hammad, 2009; Al-Najidi, 2018; Al-Hanaki, 2019).

Results and Discussion

Analyzing Saudi Arabia's disciplinary framework for lawyers reveals several critical findings. First, forming the Disciplinary Committee under Article 31 of the Code of Law Practice ensures a structured approach to addressing professional misconduct. (Abouyounes, 2025) However, ambiguities regarding the third committee member's qualifications and the chairperson's appointment persist. While the committee comprises a judge, a lawyer with a decade of experience, and a third member selected by the Minister of Justice, the law does not specify the expertise required for the third member (Hussien, 2025). Researchers argue that the chairperson should ideally be a judge to align with the committee's judicial nature (Al-Sharqawi, 2023). This ambiguity risks undermining the committee's perceived impartiality and effectiveness.

Second, procedural safeguards during investigations aim to balance accountability with fairness. Complaints undergo an initial review by the Ministry of Justice's department, which dismisses unsubstantiated cases before referring them to the Disciplinary Committee. While this reduces the committee's workload, it lacks oversight, potentially allowing valid complaints to be dismissed without recourse (Al-

Khinain, 2020). The law mandates that lawyers receive 15 days' notice before hearings and guarantees their right to defense, either personally or through representation (Code of Law Practice, Article 32). However, the committee's authority to issue temporary suspensions of up to 90 days, extendable without clear grounds, raises concerns about due process. Scholars recommend limiting suspension durations to 60 days and permitting appeals to mitigate professional and financial harm (Al-Ra'aw, 2023).

Third, the appeal mechanism to the Board of Grievances ensures judicial oversight, allowing lawyers to challenge decisions within 60 days (Code of Law Practice, Article 31). However, objections to default decisions must first be reviewed by the Disciplinary Committee, delaying access to independent adjudication (Al-Najidi, 2018). This two-tiered process, while procedural, risks prolonging resolution timelines.

Fourth, disciplinary penalties are tiered based on violation severity, ranging from warnings to license revocation (Article 29). License revocation, akin to dismissal in public service, carries long-term consequences, including a three-year waiting period for re-registration (Al-Hanaki, 2019). The 2024 Implementing Regulations further clarify that fines up to SAR 300,000 and publication of sanctions in local media serve as deterrents. (Murtatha, Ali, (June 2025)) However, inconsistencies emerge in Article 85, where the Regulations mention "*Hadd*" crimes absent in the original Code, violating the principle that implementing rules cannot exceed statutory provisions (Asiri, 2023).

These findings underscore the system's "structured accountability, procedural safeguards, and judicial oversight" strengths while highlighting gaps in committee composition, suspension protocols, and regulatory coherence. Addressing these issues is critical to maintaining public trust in the legal profession and aligning Saudi Arabia's framework with international standards of fairness and transparency.

Conclusion

This research highlights the evolving disciplinary mechanisms for lawyers under Saudi law, emphasizing both progress and areas requiring reform. Key findings include the Disciplinary Committee's foundational role in adjudicating misconduct and the procedural safeguards ensuring lawyers' rights during investigations. However, ambiguities in committee member qualifications, inconsistent suspension protocols, and regulatory overreach in penalty provisions (e.g., the inclusion of "*Hadd*" in the 2024 Regulations) reveal systemic challenges (Asiri, 2023; Al-Sharqawi, 2023).

The significance of this research lies in its recommendations to enhance legal clarity and fairness. For instance, designating a judge as the committee chairperson

and clarifying the third member's expertise would bolster impartiality (Al-Sharqawi, 2023). Similarly, limiting suspension durations and permitting appeals align disciplinary procedures with principles of natural justice (Al-Ra'aw, 2023). Rectifying discrepancies between the Code of Law Practice and its Implementing Regulations, such as removing the term "*Hadd*," ensures regulatory coherence (Asiri, 2023).

By addressing these gaps, Saudi Arabia can strengthen its legal profession's integrity, fostering greater confidence among practitioners and the public. Future studies should explore comparative models from jurisdictions with mature disciplinary systems to inform further reforms.

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