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Master Thesis Defense
Entitled
RECOURSE OF THE COURTS OF CASSATION FROM JUDGMENTS
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Abstract

The UAE Court of Cassation, like other courts of cassation in comparative judicial systems, has adopted the Judicial recourse system in some cases in order to avoid the procedural errors that occurred in it that affected the decision or judgment issued by it for no reason whatsoever to the will of the convict. For the first time in the UAE legislation, the system of recourse has been codified by the issuance of Decree Law No. 15 of 2021 amending some provisions of the Civil Procedures Law promulgated by Federal Law No. 11 of 1992 and published in the Official Gazette No. 710 of 51 on September 2, 2021 and in force as of September 3, 2021 By adding Article 187 bis, which permitted the Court of Cassation and litigants to request recourse of decisions and judgments issued by it in exclusively specific cases.

We can say that the recourse system is a way Created by the legislator on an exceptional basis, which the legislator intended as a departure from the principle of home rulings, to retract the final judgment or ruling if one of the cases mentioned exclusively in the mentioned article exists.

The study reviews the new and updated recourse system, explaining and analyzing it compared to French, Egyptian and Sudanese law, explaining its definition, and the difference between it and other systems such as omission, correction and petition for reconsideration, then it explained its cases and conditions, who has the right to it, and how it is considered before the Court of Cassation, with an indication of the effect on it. Finally, we referred to some rulings issued by the Court of Cassation, in implementation of this new system.

Keywords: final judgment, recourse, Appeals procedures.