CHAPTER-IV

POLITICAL INSTITUTIONS IN SAUDI ARABIA

Political institutions as the parameters of political development play important role in the structural and operational matrix of a political system. The nature and functioning of a political system varies from one political system to another. A political system is best known from the institutions it keeps. The limit as well as scope of the operation of the Political Institutions in a country determine the nature of the polity they sustain through their operation. A liberal society opts for representative institutions that take proper care of its people through continued initiatives to direct the flow of authoritative allocations towards the well being of the society. In the present times the lure of such liberal democratic ethos is quite enormous and no authority can afford to ignore this appeal without courting mounting resistance from the people questioning its legitimacy. Thus almost all form of political organisation maintain a semblance of representativeness in order not to be dubbed as authoritarian and dictatorial. Coming to Saudi society, where tradition blends with modernity with all seeming innocence at the surface level, the continuing struggle between the reflexive Wahhabite urge, that founded the Maulikiyat, to examine everything in the light of tradition and the gradual sifting of modern values that tends to ruffle the orthodox
inflexible core, has brought about slow gradual changes, sometimes symbolic, sometimes peripheral. The present chapter divides the study into two parts. The first part which deals with the Law, the Monarchy, and the Royal Family, is discussed through the analytical method. The second part which deals with the Legislature, the Executive, and the Judiciary is discussed through the analytical and historical method.

The Law

Law (Shariah) is one of the most important political institutions in the Kingdom of Saudi Arabia. The term Shariah which is an Arabic word means a path or way. It is composed of four sources viz., Quran, Sunnah, Ijma and Qiyas. Religious scholars view it as a cumulative set of different conditions.1 In Islam, it indicates the path to Allah as ordained by Allah. In literal sense Shariah means, “to pave the way” but in conceptual sense it signifies “enacting laws or devising a system”.2 For Muslims, it is the word of Allah which is divine and infallible. It consists of three types of instructions: the articles of faith, the ethical and legal instructions and principles regarding the state.3

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3 Ibid.
The Muslims and non-Muslims define Shariah as the "Islamic Law". However, the Western and non-Western theorists tend to differentiate Shariah from Law. The positive school of law founded by John Austin and Kelsen defines law as the command of the sovereign in the form of the edicts or fiats. According to the sociological school of law given by Ehrich, law includes actions of state, customs and mores of the community practised by the state. So, in western view, law is a 'rule of conduct' accepted through legislation, judicial decision and similar actions imposed upon the subjects by the state or legally constituted authority. Law in this sense is not so much a moral phenomenon, as a practical or real phenomenon. But this definition of law is not applicable in case of Shariah where the law is purely ethical or moral. In the Islamic sense, law involves the 'entire' gamut of moral and social guidance directed towards divine purposes of the creator. It is normative, and it is directed towards moral education and legal enforcement. The Muslim theorists describe it as "law", as they consider it to be the divine revelation of Allah to his people and they must submit to it. However, the Khalifah shouldering the responsibility to govern the world as trust is subject to arbitration by divine judgment, in terms of reward or punishment. Viewed from this angle, the action of Amir or Khalifah is also

Ibid.
regarded as a legal responsibility, enjoined by the *Shariah*. Pervez Manzoor says:

All contradictions of internalised ethics and externalised law of conceded intentions and revealed actions, indeed of faith and deeds, are thus resolved in the all embracing actionalism of the Shariah....It is both a doctrine and a path. It is simultaneously a manifestation of the divine will and that or the human resolve to be an agent of that will....It is an all embracing system of religion, morality, law, sociology and even politics that is the most formidable achievement of the religious genius of Islam.  

**The Holy Quran**

The Holy Quran, as the divinely ordained Constitution of Saudi Arabia, offers a flexible matrix for the political system to operate in. Although it is fourteen centuries old, Muslims, all over the world believe that it is the divine word of God and still relevant to the modern world. To start with, Islam is a distinctive religion and according to it:

The very text and wording of the Holy Book, the Quran has remained unchanged, being neither reworded nor interpolated, for God has undertaken to safeguard it, other (Sacred Scriptures), on the other hand, have undergone many influences that have led to discrepancies between their texts as well as division among their followers.  

Islam, governed by the Holy Quran, is important among all the religions in the world. It penetrates into the whole spirit of its adherents through the Holy Quran, whether individually or collectively, for it has put together

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5 S. Parvez Manzoor, “Quest for Shariah’s Past and Future”, *Magazine of Events and Ideas*, 3(1) January 1987, p. 35.
authority in the form of the political state. It has been protected against
division between religious affairs and state affairs. Religion has been given
the authority for legislation and jurisprudence. 7

**Sunnah**

Besides Quran, Sunnah also constitutes one important source of law
in the polity of Saudi Arabia. It consists of traditions of the Prophet, his
deeds, utterances and his unspoken approval and disapproval in different
situations. 8 At first Sunnah was differentiated from ‘Hadith’. The former
explained the practices of the Prophet and the latter referred to his
utterances, as interpreted by his companions. But with the passage of time
the distinction was blurred and they became synonymous with each other by
the fifth century AH. 9

But Sunnah is secondary to Quran. Ibn Qayyim al-Jawziyah says:

The Quran is definitive as well as final and authoritative and in its
detail, the Sunnah is neither definitive nor final or authoritative in its
detail, but must be taken as a whole. There are three possible
relations of the Sunnah to the Quran. The first is where the Sunnah
agrees with the Quran in all respects, and in this case, the two
corroborate and reinforce the given point. The second where the
Sunnah explains and illustrates the Quran and the third is where the
Sunnah legislates on a matter on which the Quran is silent. No other
possibilities exist for the Sunnah can never run counter to the Quran. 10

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7 Ibid., pp. 40-41.
8 George M. Baroody, “Practice of Law in Saudi Arabia”, in Willard A. Beling, ed., *King
9 Moten, n.2, p. 52
Ijma and Qiyas

The two remaining sources of law are Ijma and Qiyas. Ijma consists of the consensus of learned scholars on particular issues whose solutions are not to be found either in Quran or in Sunnah. They are solutions derived from the Quran and validated by the tradition which say: ‘My people are never unanimously in error’.\footnote{Ibid., p. 115} Qiyas means measuring or comparing. It deals with reasoning by analogy which in effect allows the principles set up by the Quran. Sunnah and Ijma are to be extended and applied to problems not covered by other sources.\footnote{George A. Lipsky, \textit{Saudi Arabia: Its People, Its Society, Its Culture}, (New Haven: Hraf Press. 1959), p. 113.}

Constitutional Law

Constitutional law, as has been sparingly introduced, is thus a novel institutional variable in the political system of Saudi Arabia. It has got special significance in the Saudi political life. Ibn Saud issued a set of organic instructions after the conquest of Hijaz for its governance.\footnote{Baroody, n. 8, p. 114} He issued the instructions keeping in view the western expectations concerning the new Government. Some of the instructions have been modified from
time to time to cope with the present conditions. The organic instructions were divided into nine parts.\textsuperscript{14}

Part I entailed that Hijaz as marked by its boundaries, was an independent, monarchical constitutional, and Moslem state.

Part II dealt with the administration of the Kingdom and the legal standards that were to operate within that territory.

Part III described the affairs of the Government and assigned certain responsibilities for their handling.

Part IV created certain Councils: an advisory Council for Mecca as well as Councils for Medina, Jidda, districts, villages and tribes.

Part V and Part VI dealt with the Court accounts and the inspection of accounts.

Part VII consisted of the rules for the selection and the promotion of Government employees.

Part VIII set forth the functions and working of the Municipal Councils established in Mecca, Medina and Jidda.

Part IX dealt with the organization and duties of Municipal Administrative Committees, which were involved in the implementation of decisions of the heads of the Municipalities.

However, the decree of 1953 made a radical change in the political apparatus of Saudi Arabia. This decree created Council of Ministers with King as its head. The King remained the sole source of power but the Council of Ministers executed the decisions of the king and formulated the

\[\text{\textsuperscript{14} Ibid., p. 115.}\]
rules on secular affairs like commerce, industry and social services.\textsuperscript{15} Al-Awaji says:

All powers rest with the king who is the Chief of state, the Prime Minister, the commander in Chief of the armed forces and Imam Al-Muslims. [The Leader of the Muslims]. Therefore, all authorities are delegated from him and exercised in his name.\textsuperscript{16}

These rules were made more transparent in the modified decree of 1958 with the role of Council of Ministers becoming more specific.\textsuperscript{17} But the latest decree of March 1992 made a marked transformation in the constitutional mechanism of Saudi Arabia with the role of Majlis-al-Shura becoming more important in comparison to the Majlis al-Wuzura or the Council of Ministers.\textsuperscript{18} These decrees, passed over a period of time, have been largely responsible for the growth of constitutional laws in the kingdom of Saudi Arabia.

The discussion shows that the law in the Kingdom of Saudi Arabia is purely directed for the fulfillment of moral purposes. The constitutional law has gained significant momentum in the politics of Saudi Arabia but it cannot contradict with the basic principles of Shariah. On the other, in western political systems, law is the result of legislation, judicial decision

\textsuperscript{16} Ibid.
\textsuperscript{17} C. W. Harrington “The Saudi Arabian Council of Ministers” \textit{Middle East Journal}, Winter 1958, pp. 7-10.
and scientific enquiry. The legislation and judicial decision might be accepted sooner or later as the sources of law in the politics of Saudi Arabia, but the employment of rational and scientific temper in analysing Shariah to cope with the changing needs of the times is still a remote possibility. As the Islamic scholars argue that all laws in Saudi Arabia must be in consonance with the Quranic principles directed towards the divine purposes of the creator.

Monarchy

The monarchy is an important political institution of the Kingdom of Saudi Arabia. Based on the number of persons, wielding sovereign power in a system, political systems have been conventionally classified as monarchies, aristocracies and democracies. In monarchy, the supreme and final authority is concentrated in a single person. It does not matter whether he is selected through election or succession or he bears the title of Emperor, King, Czar, Malik or Amir. The will of a single person prevails over all the aspects of the Government. Monarchies are classified as absolute, arbitrary or despotic and constitutional, parliamentary or limited, from the standpoint of the authority the Monarch enjoys. In absolute monarchy, the monarch not only acts as the ceremonial head of the state, but also acts as the real sovereign. His authority is not limited to any one,
except of his own. In limited monarchy, the authority of monarch is constrained by written and unwritten constitutional principles.\(^{19}\)

Islamic Scholars argue that monarchy is not accepted in an Islamic political system, as there is no ‘place for kingships in Islam and succession could not be on a hereditary basis’\(^{20}\). The Amir (the leader) would be elected from among the ‘most respectable and most pious persons.’ He must be knowledgeable, and capable as an administrator. He is to see that the Shariah is enforced and the interests of his community are properly protected.\(^{21}\)

The locus of evolution of Saudi monarchy indicates that it has distinct tribal moorings, and it is Islamic in nature. It is, thus, a conglomeration of tribal, religious and political elements, and the ruler exercises his authority as the tribal Sheikh, the religious Imam and the temporal Malik. The King of Saudi Arabia wielding such enormous powers, presents himself as the patriarch of his people. The process of unification of Saudi Arabia under the astute leadership of Abd al-Saud could not replace, or dissolve the systems of traditional bonds and

\(^{20}\) Moten n.2. p. 101.
allegiances in the Kingdom. Only loyalty of the Sheikhs was transferred from the Sheikh to the person of King Ibn Saud and his successors. Commanding such loyalty, the King has to take them into confidence without relegating their tribal values and system of authority into the background. Possessing such character or role, King is expected to show generosity, magnanimity, honesty and leadership. As Sheikh al-Mashayikh (Sheikh of Sheikhs), he supervises the welfare of his tribes and solves disputes among tribal groups.

The Monarch also acts as the Imam or the religious leader of his people. As a true Imam, he is supposed to spread Wahhabism among the Muslims. It has been observed that the Imam’s authority has been considerably reduced to a mere ceremonial head under the influence of the modern world and also due to the division of the Islamic community into independent nations. Thus, the religious role of the King within his country has assumed more importance. Presently, the religious institutions are banking heavily on the financial support of the Kingdom which leads to the growing control of the King over the religious institutions. The Saudi monarchs, performing their roles, have assumed further legitimacy and strengthened their political power in the Kingdom. Abd al-Saud paid much

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23 Lipsky, n.13. p. 109
24 Ismael n. 22, p. 367.
attention to his role as an arbiter of religious affairs and managed it successfully throughout his regime. Michael Hudson says that “rarely has a leader exploited religious values as effectively”. Saudi King’s appeal for the redemption of Jerusalem, annual speech to the pilgrims and their ritual performance at K’abba add to the spiritual claims of the monarch.

Monarch is regarded as the مالك of his people. He is the head of both the state and the Government. As the head of the state, he symbolises the unity of the nation. It is often noted that, groups transfer their parochial loyalty to a larger political whole for the solidarity of a nation. However, the Saudi nation does not exist as a non-religious, coherent ethnic group. It has a definite plural base, as it comprises multiple tribal groups, removed from each other in socio-cultural terms. As such, the King has to maintain unity among different social groups. He mediates in personal disputes and solve grievances of the people for the sake of continuing unity. At the initial phase of the consolidation of the Saudi Kingdom, the tribal and religious leadership was not strong enough to handle the new country. The ruler had to seek temporal legitimacy too in addition to spiritual supremacy. It enlarged the functions of the state and created new political institutions.

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27 Ismael, n.22, p.367.
Thus, the monarchy was turned into a formal political institution in the
fabric of Saudi body polity.\textsuperscript{28}

The \textit{Basic System Of Rules}, which was introduced in 1992,
institutionalized the powers of the King in a more formal manner. This
reform also suggested a new form of succession to the Kingship in Saudi
Arabia. Unlike the earlier informal system in which succession to Kingship
was determined on the basis of seniority among the brothers of King Fahd,
the current system clearly states that King of Saudi Arabia would be elected
by an electoral college of princes.

Article 5 of the Basic System of Rules says:

The Rule Passes to the sons of the founding King, Abd al-Saud Bin
Abd al-Rahman al-Faysal Al Saud, and to their children’s children.
The most upright among them is to receive allegiance in accordance
with [the principles] of the Holy Quran and the tradition of the
venerable Prophet. The King chooses the heir apparent and relieves
him [of duties] by royal order. The heir apparent is to devote his time
[to his duties] as an heir apparent and to whatever missions heir
apparent takes over the powers of the King on the latter’s death until
the act of allegiance has been carried out.\textsuperscript{29}

The King wields power over legislative and executive departments of
the Government. He also possesses the power to grant pardon and wields
judiciary power to some extent. He is the head of the Council of Ministers
and retains the Prime Ministership. He is the Commander of Armed Forces

\begin{footnotesize}
\begin{enumerate}
\item Gulshan Dhanani, “Political Institutions in Saudi Arabia”, \textit{International Studies}, 19(1),
\item Rashed Aba-Namay, n. 18, p.304.
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and declares emergency and war. He approves and amends international treaties, agreements, regulations and concessions.  

Article 44 of the Basic system of rules says: "The authorities of the state consist of the following: the judicial authority, the executive authority and the regulatory authority. These authorities co-operate with each other in the performance of their duties in accordance with this and other laws. The King, thus, continues to remain the point of reference for all these authorities."

The above discussion shows that the monarchy still remains a major factor in the politics of Saudi Arabia. He exercises his authority as the tribal Sheikh, the religious Imam and temporal Malik. Of course, Majilis Al-Wuzura (Council of Ministers), Majilis Al-Shura (legislature) shared the authority of the King to a considerable extent yet, the authority of the King over those institutions remains supreme. This type of monarchy is not witnessed anywhere else, except in Saudi Arabia and some of the Middle Eastern countries. However, coming to Islamic principles, monarchy is not approved of as an absolute centre of authority according to Shariah.

The Royal Family

The Royal Family not only consists of Abd al-Saud's sons, but also it includes their grandsons and descendants of the extended clan. The clan in

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31 Ibid.
tum consists of five thousand male members and a number of factions or
groups. Abd al-Saud’s group is the most powerful and prominent in the
Kingdom. It consists of 30 odd sons, 100 - odd grandsons and 500 - odd
great grandsons. The Sudairi, the Shammar, the Bani - Faisal and the
Saud Al-Kabir are the major factions. Contending among themselves for
power, political weightage and proximity to the ruling monarch, the locus of
power in the family in reality, centres around the sons of the late King-Abd
al-Saud. King Saud, King Faisal, King Khalid and King Fahd are all sons
of the late king Abd al-Saud.

Sudairi faction is the most powerful group in the Kingdom. This is
otherwise known as “Sudairi Seven” full brothers derived from the maiden
name of their mother Hasa Bint Ahmad al Sudairi and they are installed in
different powerful positions of the Saudi Government. The present King
Fahd Ibn Abd al Aziz al-Saud is the Prime Minister, Sultan Ibn Abd al-Aziz
al-Saud is the Second Deputy Prime Minister and the Minister of Defence,
and Turki Ibn Abd al-Aziz al-Saud is the Deputy Minister of Defence. Naif
Ibn Abd al-Aziz al-Saud holds the portfolio of Minister of Interior, whereas

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32 Dietl n.26 pp. 27-29.
1997, p. 32-33
34 Dietl, n.26, p.28
35 David. E. Long and Bernard Reich, The Government and Politics in the Middle East and
Salman Ibn Abd al-Aziz al-Saud rules as the Governor of Riyadh and Abdul Rahman acts as the Counsellor of Royal Family Affairs.\textsuperscript{36}

\textit{Shammar} faction is the second powerful group in the Kingdom. The Crown Prince Abdullah Ibn Abd al-Saud al-Saud belongs to Shammar tribe of the northern Najd and he holds a strong position among the Najd tribes. He not only holds the position of crown prince in the Kingdom, but also holds the position of Deputy Prime Minister and Chief of National Guards.\textsuperscript{37}

\textit{Bani-Faisal} is the third major powerful group in the Kingdom and it consists of eight sons of the late King Faisal Ibn Abd al-Saud al-Saud.\textsuperscript{38} The present Foreign Minister Prince Saud al-Faisal al-Saud belongs to this group. Besides him, his full brothers also occupy important positions in the Saudi Governmental set-up. Turki al-Faisal al-Saud is the chief of Istikh Barat al-Amm (Saudi Intelligence Agency) and Bandar al-Faisal al-Saud is the Deputy Chief of the same Agency.\textsuperscript{39}

The Saud-al-Kabir faction is yet another potential group in the kingdom. Muhammad, head of the ‘Council of Elders’, an informal statesman group in the Kingdom, belongs to this group. This branch ranks second to the present King Fahd in Royal Family protocol, as the founder of

\textsuperscript{37} Ibid.
\textsuperscript{38} Dietl. n.26, p 29
\textsuperscript{39} Long and Reich, n.35. p. 103
the branch was an older brother of the other ruling branch. So this group has tremendous influence over the major policies of the Kingdom in an informal manner.

The Royal Council is formed out of the Royal Family with exclusive membership, enormous powers and a secret *modus operandi*. This Council is contemplated more to be an inner group that operates with key members of the royal coterie. This inner group functions as the sole channel of communication between the Members of Royal Family and the Council of Ministers. This group helps in reaching a broad consensus on key political issues and takes a fairly large number of Royal Members into confidence on policy measures. This further plays a role in sorting out internal strifes within the family and, thus, maintains the image of unity. This is the most powerful political institution in the country, notwithstanding the fact that inner group remains anonymous and acknowledged in the Kingdom.

The study of the Royal Family shows that it is a conglomeration of extended clan. Within the Royal Family, the Sudairi faction operates as the main powerful group in the Kingdom. All important portfolios of the government are handled by the Sudairi brothers. Shammar faction remains next to the Sudairi in the hierarchy of power structure. While the Bani Faisal faction operates as the third powerful group in the Kingdom. Besides

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40 Dietl, n.26, p.29
these factions, the Royal Council plays also an important role in the decision making process of Kingdom acting as a major channel of communication between the Royal Family and the Council of Ministers. These groups check the unrestrained power of monarch to a certain extent.

**Legislature**

The legislature (*Majlis al-Shura*), the rule-making wing of the state, is an important institution in the functioning of a political system. The functions of the legislatures tend to vary across political systems in the world. Western and Islamic scholars view the functions of legislatures from their respective perspectives. Western scholars analyse the legislatures from a rational legal perspective. Richard Sisson and Leo Snowiss put forward their views regarding the functions of the legislature:

(i) Legislature as a law-making body;

(ii) Legislature as a check on the functioning of the executive;

(iii) Legislature as a body mobilising public consent.\(^{43}\)

The functions of the legislatures have become more specialised due to the emergence of specialised structures in the political systems of

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\(^{41}\) Ibid., p.29

\(^{42}\) Ibid.

different countries aiming at political development. At this stage, the meaning of political development must be defined as the will and capacity of the system to cope with, and to generate, continuing transformation towards what ever value seems appropriate in a particular context - among them three values economic development, personal freedom and socio-economic justice would usually rank higher than the western type democracy or strong legislatures.44

Looking at the realities of Afro-Asian and Latin-American political systems, Robert Packenham mentions three important functions of the legislatures:

(i) Legitimation function; which means that the legislature must gain legitimacy to govern the people.

(ii) Safety valve function— the legislature must perform 'exist functions' during break down of the system.

(iii) Administration over view, patronage, recruitment, socialisation and training - the legislatures must shoulder the overall responsibility of the executive.45

The legislatures of all the countries must perform those functions, but the legislature of the present world are lacking in their role performance what pricks Packenham calls the "obstructionist role" of the legislature, and they "tend to represent all over the world more conservative and parochial
interests than executives even in democratic polities. This seems specially to be the case in the Presidential as contrasted with the parliamentary political system. In societies that need and want change and where political modernisation may be defined as the will and capacity to cope with and generate continuing transformation, it may not make much sense to strengthen the decision-making power of an institution that is likely to resist change.  

Islamic View

Islamic scholars view that legislatures should be composed of people, majority of whom must be elected. It must consist of a group of people who are experts in the Shariah and modern jurisprudence. It would perform the executive and deliberative functions. The Amir should closely work keeping coordination with the legislature. Hasan-Al-Turabi argued that the Caliphate began with an ‘elected consultative institution, but later on its turned into a hereditary or authoritarian Government’. This institution must be brought back into operation. According to Mohammad Iqbal, it must have the right to interpret and apply the law and in this way alone we can stir into activity. The concept of legislature as only a consultative body

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45 Ibid.
46 Ibid., p. 369
has been completely rejected by Islamic scholars like Hasan Al-Turabi, Sayyid Qutb, Abd al-Qadir, Auah and Muhammad Asad. They strongly pleaded that Shur is necessary for the resolution of public issues and is purely binding upon the Amir.\textsuperscript{49} Sayyid Abu A’la Mawdudi who supports the advisory role of legislature also believes that the present situation leaves no other alternative but to restrict and to subordimate the executive to the majority decisions of the legislature.\textsuperscript{50}

Coming to the structural form of the Saudi Legislature, it is found that in the initial stages Majlis served as an informal legislature in the absence of a formal law making authority during the reign of King Abd al-Aziz.\textsuperscript{51} General session was the main part of the Majlis proceedings. It continued for forty minutes and was attended by eighty to hundred people. The King addressed the audience on specific issues of national importance and was answerable to questions raised on different subjects. Access of citizens to Majlis made some observers think that it was a system which served as a form of democratic representation. However, this body had no binding influence on the king and acted only as an informal body enabling the people to express their views on affairs of the state. Such expression of views could not lead to any change in the system. The principle of free

\textsuperscript{49} Moten, n.2, p. 102.
\textsuperscript{50} Ibid.
access through the Majlis served some useful purposes, but it did not constitute an effective channel whereby the policies of the state could be significantly oriented to address the needs of the people. In reality, the principle of participation was a myth. Most of the people were coming to raise a specific request for the grant of funds or to collect their annual subsidy. M. al-Mana says:

There was a clear understanding among the King’s subjects that a man did not go to the palace unless he had a particular business with the King or the visit was a traditional right, such as the annual visit of the bedouin. The town people of al-Riyadh never came to the palace unless they had special reason to do so. 52

Besides the general session, there was a small private session in the morning and a larger informal session in the evening. In these two sessions, participation was allowed to prominent individuals or statesman and wide range of policies on state subjects were discussed. 53 The Majlis discussed above was purely informal in nature. So, various steps were initiated from time to time to institute a formal legislature. The Hijaz Constitution of 1928 recommended the establishment of a Majlis al-Shura, whose members were to be nominated by the King. 54 In 1928 King Abd al-Saud promulgated a Royal Decree for the formation of a single legislative Council for the provinces of Najd and Hijaz. But the promulgation only remained in letter

53 Niblock, n.51, pp. 90-91.
54 *A Survey of the Constitutions of the Arab and Muslim States*, (Leiden, 1966), p. 62
and it never came into operation during Abd al-Saud’s rule. In the meanwhile, polity of Saudi Arabia passed through three decades without any legislative or Shura system. King Faisal had contemplated that the time had come for the promulgation of a Basic Law, and a Legislative Council would become a part of the Basic Law “to be promulgated without delay”.⁵⁵ Faisal’s idea of proclaiming a consultative Council only remained on paper and it could never become a reality in the shape of a formal legislature in the Kingdom. King Khalid declared a policy statement rededicating the Government to the policies of Faisal.⁵⁶ He clarified that Faisal’s Government was interested in having a mutual relationship between the ruler and the ruled on the basis of a consultative Council. Since Faisal could not achieve this task, the promise that ‘our Government would strive her best to complete what His Majesty had started’ could not be fulfilled. So, in 1980, a Committee was formed under the Chairmanship of Prince Nayef to recommend political reforms. With proper procedure, the Committee recommended “Basic System of Rule” consisting of 200 articles. It suggested the formation of a Consultative Council of fifty to seventy members. The policy statement only remained on paper and was never implemented.⁵⁷ King Fahd thought of initiating some political reforms aimed at representative democracy and thus established a Consultative

Council in the Kingdom. On March 1, 1992, he issued Basic System of Rules through which Majlis al-Shura (Consultative Council) came into existence in December 1993.58

The recently formed Consultative Council cannot be called a pure legislative body'. This Consultative body consists of sixty-one members who are appointed from religious, business and academic circles according to wishes of King.59 Article 67 of the Basic system of rules mentions the functions of this so-called legislative body. It says:

The regulatory authority (Consultative Council) lays down regulations and motions to meet the interests of the state or remove what is bad in its affairs, in accordance with the Islamic Shariah. This authority exercises its functions in accordance with this law [the Basic System of Rules] and the laws pertaining to the Council of Ministers and the law pertaining to the Consultative Council.60

The constitution entrust upon the Council to debate the policies of the Government and proposes draft regulations to the King. The Consultative Council would perform the following functions.

(i) Expressing opinions of the policy on the General Policy of the state [Article 75];

(ii) Proposing amendment in an executive law [Article 23];
(iii) Studying international Laws charter treaties, agreements and making necessary suggestions in the above mentioned matters. [Article 15];

(iv) Interpreting Regulations [Article 15];

(v) Discussing the Annual Reports submitted by the Ministry and other Government bodies—and making appropriate suggestions regarding them [Article 15];

(vi) Questioning the Ministers and other Government officials [Article 22].

The above functions, which were enjoyed by the Council of Ministers, are at present entrusted with the Consultative Council. Of course, the Consultative Council cannot bypass the Council of Ministers without the consent of the King. But its power to judge the work of the Council of Ministers is an important development in the Saudi Political System. However, the Consultative Council fails to perform the role of legislature as it is witnessed in western and Afro-Asian political systems. The views of Sisson and Robert Packenham do not provide us a standard with which we can gauge the operational mechanism of Consultative Council in Saudi Arabia. Even the views of Islamic scholars regarding the legislature fall flat on the ground when it is conceptualised in the context of Saudi Consultative Council. Here, the Consultative Council remains merely a regulatory body rather than a purely legislative organ. So, the concept of

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61 Aba-Namay, vol. 42, no. 18, p. 304
(Consultative Council) in the real sense is yet to take its shape in the politics of Saudi Arabia.

Executive

The Executive (Majlis al-Wuzura) is another important institution in a political system. Today all around the world, irrespective of their levels of development, it is observed that the executive branch of the Government serves as the chief locus of the power of the state. The term executive has both broad as well as narrow connotations. In a broad sense, the executive organ embraces all the agencies concerned with the execution of the will of the state, as that will has been formulated and expressed in terms of law. In this sense, the term embraces not only the supreme head of the Government— the Chief of state, as he is called in the continent of Europe (President, King or Emperor) — but also the ministers and whole mass of subordinate executive and administrative functionaries who constituted what in Great Britain and the United States is known as the ‘Civil Service’. As thus understood it comprehends the entire governmental organization, with the exception of the legislature and the judiciary and possibly the diplomatic corps. Thus, tax collectors, inspectors, commissioners, policemen and perhaps officers of the army and navy are parts of the executive organization. In a narrow sense, the executive is confined to the

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the formulation and implementation of national policy, Willoughby says, “The Executive power or rather the function is that of representing the Government as a whole and of seeing that all of its laws are properly complied with by its several parts. The administrative function is that of actually administering the law as declared by the legislative, and interpreted by the judicial branches of the Government. This distinction is usually made by declaring the executive function to be essentially political in character; that is, one involving the exercise of judgment in its use; and the administrative functions to be concerned with putting into effect of policies and the carrying out of orders as determined or given by other organs.” As the executive is so important an organization of a state, the executive leadership automatically becomes an important factor in shaping the policies of the nation. Executive may be divided into nominal or real. The nominal executive is further divided into hereditary or elective. The hereditary monarch holds office by way of succession and elective monarch holds office through either direct or indirect process. In a Parliamentary form of Government the differences between the nominal and real executive is clearly marked. The President or monarch functions as the mere figure head whereas the head of the Council of Ministers i.e. Prime Minister decides the fate of the Government. But in the latter the President yields all

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authority through a system of separation of powers whereby he is not accountable to the legislature.64

The Islamic Scholars view the executive as the nuclear of authority and active force in the Government.65 In Quran and Hadith, it is called ulu al-amr and Umara which is headed by the Amir, and the Amir in turn is also elected from among the most respectable and most pious persons.66 The executive is not above the rule of law and he can be sued in the same manner as other members of the community are sued in the court of law, it merely acts as the trustee of the Shariah and does not exercise power on his own.

Evolution of the structure of the Council of Ministers in Saudi Arabia lies in the conquest and annexation of Hijaz within the Kingdom. It was in the western province of Hijaz that the seeds of present Council of Ministers laid.

The Constitution of Hijaz entailed that the King employed at his own expense a Viceroy (Naib al-amm) and as many directors and service chiefs as he judged necessary and the Viceroy represented the supreme authority and was responsible for the King.67 The constitution also set forth six

66 Moten, n.2, p.100
67 A Survey of the Constitutions of the Arab and Muslim States, n.54, pp. 62-63.
directorates: one each for Shariah affairs, internal affairs, foreign affairs, finance, public instruction, and military affairs. The creation of these Directorates marked administrative diversification in the Kingdom. Faisal was appointed as the first Naib al-amm for Hijaz.

In 1930, the Directorate of Foreign Affairs was changed into the Ministry of Foreign Affairs at the national level and Faisal became the Foreign Minister. Subsequently, Abdullah Suleiman, the King’s personal adviser was installed as the Minister of Finance and the process of formation of Ministry continued. In January 1932, a Royal Decree provided for the establishment of Council of Ministers to be generally responsible to the King for the administration of the country as a whole. However, this Decree was never carried out and no explanation was produced for the same. But on 9th October 1953, a Royal Decree provided for the creation of the Council of Ministers, replacing the old institutions of the State.68

Article I and II of Part one, Article VII of Part two, and Article VIII of Part three of the Constitution of the Council of Ministers marked the Council’s main recommendations. The Articles were:

Article 1: A Council of Ministers would be formed under our Presidency and, in our absence, under the Presidency of our Viceroy and Crown Prince.

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68 Huyette. n. 15, p. 65
Article 2: The Council of Ministers would consist of His Majesty's active Ministers, His Majesty's Advisers and those whose attendance at the Council of Ministers is desired by His Majesty, the King.

Article 7: The Council of Ministers would supervise the state policy within the country and abroad. A meeting of the Council would not be considered as effective except in the presence of two-thirds of its members and its decisions would be valid when issued by a majority of those present.

Article 8: The presence of two thirds of the members of the Council of Ministers at a meeting shall constitute a quorum, and its decisions shall be valid when issued by a majority of those present. However, the decisions of the Council of Ministers shall not come into effect until they have been sanctioned by His Majesty the King.

Article 17: The President of the Council shall sign the decisions of the Council and transit them to the authorities concerned.

Article 18: The President of the Council of Ministers shall:

I) Supervise the Council of Ministers, the Ministries, and the Public Departments.

II) Supervise the execution of Royal orders and Decrees, and the Laws and Decisions issued by the Council of Ministers.

III) Supervise the carrying out of budget, through the office of the Comptroller of State Accounts.

IV) Issue the regulatory decisions, instructions, and rules required to execute Royal orders and Decrees and Laws and decisions approved by the Council of Ministers and sanctioned by His Majesty the King.

This decree of 1953 marked a new era in the evolution of constitutional Government in the Kingdom of Saudi Arabia. Through this Royal Decree, the Council of Ministers served as a surveillance mechanism
over the policies of the Kingdom on internal and external matters. This decree also entrusted upon the President of the Council, the authority to supervise the work of the Ministries, Public Departments and supervise the execution of Royal laws and Decrees.

The Royal Decree of 1953 was revised and a new statute was promulgated by a Royal Decree of 11 May, 1958. This statute was regarded as the beginning of the “Constitutional regime”. Its aim was “to stabilise responsibilities and define powers, in line with the country’s progress and development.\(^7\) It consisted of fifty articles. Out of fifty, ten articles dealt with the general rules and eight others regulated the composition and powers of the Council of Ministers and their appointment. Six articles were related to legislative matters, two each to executive and administrative matters. Financial matters were incorporated in sixteen articles, whereas the Prime Minister and his powers were dealt with in only one article. The Articles are:

Article 8: Every Minister would be responsible to the President of the Council for the activities of his Ministry, and he in turn would be responsible to His Majesty the King.

Article 11: The Council of Ministers would consist of the President, the Vice-President, the Ministers in charge of Ministries, the Ministers of State and the Advisers to His Majesty the King.

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\(^7\) Ibid.
Article 13: A meeting of the Council would not be considered as effective unless two thirds of its members are present, nor would its decisions be valid unless made by a majority of those present.

Article 18: The Council would lay down the policy of the state with respect to internal and foreign affairs, finance, the economy, education, defence and would also supervise its execution.

Article 19: International agreements, treaties, regulations, and concessions shall not be promulgated except in accordance with Royal Decrees prepared with the approval of the Council of Ministers.

Article 24: The King could veto a resolution within a period of thirty days.

Article 25: The Council in its capacity as the direct executive authority, has full supervisory powers over executive affairs. It has primary responsibility too taking all measures it considers to involve the interests of the country.

Article 26: The Council of Ministers is the immediate authority for the administration of the country. It shall have full supervisory powers over all administrative matters.

Article 28: The Council of Ministers is the final authority for the financial affairs of the State.

Article 37: The Council of Ministers shall each year approve Regulations for a State budget which will include estimates of revenues and expenditures for that year, and which will be submitted to its Majesty the king for approval.

Article 44: The President of the Council is to direct the general policy of the State. He shall supervise the Council of Ministers, the ministries, and the public departments, and he is to oversee the execution of the Regulations and Decisions issued by the Council of Ministers.

Article 47: It would approve regulations for a state budget which would include estimates of revenues and expenditures for that year. The Council of Ministers would approve these regulations and submit
them to the King obtain Royal approval. They would be promulgated by His Majesty and the President of the Council. 71

The Royal Decree of 1958 entrusted enormous powers viz., legislative, executive and advisory upon the Council of Ministers. Through this decree, executive (the Council of Ministers) performed the legislative function in the absence of Majlis al-Shura which was previously managed by the king in Saudi Arabia. The Council enacted and amended all laws, regulations and royal decrees. It also ratified international agreements and treaties. The Council debated the laws submitted to it, clause by clause, and voted on it as a whole in conformity with the procedure incorporated in the internal statute of the Council of Ministers. Every minister had the right to present to the Council a project of law within the capacity of the functions of his Ministry for its approval and the Council would either accept or reject it. Similarly, each member of the Council of Ministers had the right to propose any matter which he would consider expedient for discussion in the Council. His Majesty, the King had the right to return to the Council of Ministers any decree or order put forward to him for his signature, stating reasons for the discussion of the Council. If Royal Diwan did not return the draft to the Council of Ministers within thirty days from the date of its receipt, then the Council would take such action as he thinks appropriate. All decrees were

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published in the official Gazette and become effective from the date of their publication, unless they were provided otherwise in the text. 72

The Council of Ministers is involved in the rule application function of the polity of Saudi Arabia. Being the direct executive authority, it has full supremacy over executive matters and acquires the real power to any action which it deems in the interests of the country. It creates and organised the public departments and official posts. It appoints, dismisses and promotes departmental directors and officials holding different positions in the Saudi political structure, It creates the Committees of investigation to supervise the progress of work in the Ministries and Departments in general or particular cases. The Committees of investigation reports the results of their supervision to the Council within stipulated time and the Council debates the results of the investigation in accordance with the procedure laid down in the statute. 73

The Council of Ministers as the executive organ controls the purse of the nation. Budgetary provisions after being ratified by the King are implemented by the Council of Ministers in the Kingdom. Comptrolling and auditing agencies, as essential elements of executive also act as the financial watchdog of the Saudi political system.

Winter, 1958, pp. 7-10
Ibid., pp.300-301
As per the present political arrangement the Council of Ministers advises the King on important matters. Previously, the King was heavily banking upon the Royal Council for advice on vital matters on both domestic and external fronts. Gradually, the importance of the Royal Council was replaced by the Council of Ministers. King Saud, King Faisal, King Khalid and King Fahd relied upon the advice of the Council on vital issues confronting the Kingdom. King Fahd did not act unilaterally on crucial issues like Iran-Iraq war, Lebanon crisis and Gulf War, rather he sought the opinion of the Council of Ministers on such occasions.\textsuperscript{74} At present, the Ministers are gaining more prominence in the knowledge of the public in the Saud Kingdom. People with high education and technical skills are being gradually inducted into various ministries breaking the age-old tradition of upholding the ascription criterion in the selection process. So, their specialised knowledge would be of high relevance for the Saudi King.

The Council of Ministers was endowed with vast powers in the politics of Saudi Arabia through the Royal Decrees of 1953 and 1958. This body functioned on dual capacity in the absence of a formal legislative body. The creation of number of Ministries over a period of time also refurbished its growth. But with the initiation of in Consultative Council 1993, the role of the Council of Ministers was reduced drastically on a
number of matters. At present, the Consultative Council expresses opinion on the general policy of the state, proposes amendments in Executive laws, treaties and questions the Ministers and other Government officials. So, it acts as a watchdog over the executive. But, inspite of this, authoritarian role of the King as the head of the Council of Ministers or executive remains as it was. The King of Saudi Arabia still wields considerable amount of authority with him. This model is not witnessed in western political systems where the King would at best remain the constitutional head of the state. Similarly, executive in Islamic perspective is not perceived in the Kingdom of Saudi Arabia. Islam neither accepts Kingship nor recognizes the authoritarianism. But, on the other, King as the head of the Council of Ministers monopolises all the power and reduces this executive body into a mere figure head.

The Judiciary

The judiciary (Quda) which deals with the administration of justice is another important institution in a political system. In the past, the administration of justice was mainly performed by social associations like Panchayats, Guilds, Churches or by influential landlords or nobles but with the rise of sovereign nation states, judicial role of those associations were completely obliterated. Administration of justice became the sole function of the state.
Justice Rawls says:

> It is indispensable that there should be a judicial department to ascertain and decide rights to punish crimes, to administer justice, and to protect the innocent from injury to usurpation.\(^{75}\)

The role of the judiciary varies in liberal as well as totalitarian systems. In liberal systems, impartiality, consistency, openness, predictability, and stability mark the administration of justice.\(^{76}\) The rule of law remains the sole criteria in dispensing justice, which is based on the principle that let a thousand culprits be acquitted, but not a single innocent person be punished. But in a totalitarian system, the role of the judiciary varies significantly. The element of bias is marked in the administration of justice. Political opponents are punished without any free and fair trial and the judiciary serves as the mouthpiece of the executive. The Communists “see the legal system of liberal democracies and non-Marxist totalitarians or autocratic states as instruments of class rule, and believe that the main function of the courts in these systems are to legitimise and buttress the domination of the capitalist class.”\(^{77}\) The views of Islamic scholars regarding the judiciary remain more or less similar to the views of liberal thinkers. The judiciary otherwise, known as *Quda*, is an independent organ.


\(^{77}\) Ibid.
of the executive. It administers justice strictly in accordance with the principles of Shariah. Hasan Al-Turabi says:

He [The ruler] enjoys no special immunities and can, therefore, be prosecuted or sued for anything he does in his private or public life. This is a fundamental principle of Islamic constitutional law, ensuing from the supremacy of the Shariah.78

The judiciary in Islamic societies settles disputes, prevents wrongful acts and issues declaratory judgments. 79 Differences also persist among the scholars regarding the scope of judicial review in Islamic political systems. The modernist thinkers plead that the role of the judiciary is to see whether laws are carried out within the purview of the legislative sphere or not. On the other hand, Hasan al-Turabi says that “judges as the guardians of the Shariah, adjudicate in all matters of law. 80 Muhammad Asad and Abdul Kadir Kurdi also share this view. 81 Sayyid Mawdudi also argues on the same line. He says that although the judiciary could not exercise the power of judicial review during the period of Prophets, the lack of people with very deep and true insight in the Quran and the Sunnah makes it imperative “to give the judiciary power to declare void and ultra vires all laws and legislations enacted in contravention of the Quran and the Sunnah in the Constitution.” 82

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78 Turabi, n.47, pp. 246-248.
79 Kurdi, n.65, pp.86-87
80 Turabi, n. 47, pp. 248-9
81 Kurdi, n. 65, pp 86-87
legislations enacted in contravention of the Quran and the Sunnah in the Constitution."  

The judiciary in Saudi Arabia has evolved through different stages. King Abd al-Saud conquered eastern province of al-Ahsa and installed Abdullah al-Jiluwi as its Governor. Thus within a short span of time, he brought the lawless bedouin within the purview of justice. Soon after, Abd al-Saud captured Hijaz and he was confronted with the problem of replacing Civilian Courts that were existing there with Qadhi courts. Pressure mounted upon the King Abd al-Saud from the Ikhwan - spiritual brotherhood of Wahhabis, to tear apart the entire judicial structure of Hijaz. To quote Umm al-Qura, the official Arabic daily of Mecca in this context, "There is set aside, on the door of the Government Building, a box of complaints which is kept by the King. The aggrieved party should deposit his complaint in that box."  

Ikhwan's assertion of Shariah law was not repudiated and the Congress of Ulama in Riyadh pronounced the fatwa in 1927: "With regard to the un-Islamic laws, if any such laws exist in the Hijaz, they should be abolished at once in favour of Islamic Law." 

Creation of an organized judicial structure is the major accomplishment of Saudi regime. The organization of the Court is basically

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82 Moten, n. 2, pp. 49-64.
84 Ibid.
uniform throughout the country, but administrative details vary from province to province. Courts at the lowest ladder may deal with minor misdemeanors and small claims. At the pinnacle of judicial system, the King acts as final Court of Appeal and source of pardon. King Abd al-Saud issued a Royal Decree in 1927 with the aim of unifying the judicial structure of the country. In accordance with the Royal Decree promulgated in 1927, the judicial structure was a three-tier system: Expeditious courts, Shariah Courts, and the Commission on Judicial Supervision.\textsuperscript{85} The Expeditious Courts dealt with simple and criminal cases and the second expeditious courts handled cases concerning nomads. All other cases were kept within the jurisdiction of the Shariah Courts. Lastly, the Commission on Judicial Supervision possessed the power of judicial review.

The attributions of Shariah Jurisprudence Responsibilities of 1952 did not bring any marked transformation in the judicial set-up of the Saudi Polity. The organizational structure of the judiciary basically remained the same. Towards seventies, King Faisal in his package of modernisation also brought change in the judicial set-up of the country. Part - III of his reform package said:

\sloppy{We have firmly resolved to issue a law to perfect the judiciary, which shall be directed by a Supreme Judicial Council. We have also resolved to create a Ministry of Justice to supervise the administrative affairs of the judiciary, which shall be directed by a Supreme Judicial Council.}
Council. We have also resolved to create a Ministry of Justice to supervise the administrative affairs of the judiciary; and attached to it shall be the office of the state’s Public prosecutor to look after the interests of individuals and defend their rights and, in co-operation with the various state courts to fulfill the role of the trusted guardian who defends the oppressed and strikes down the oppressors.”

Judicial regulations were promulgated under Royal Decree of 164 on July 1975 in fulfillment of this promise. These regulations describe that the present judicial set-up would consist of: the Supreme Judicial Council, the Appellate Court, the General Courts, and the Summary Courts.

Four Schools of law govern the judicial structure of Saudi Arabia. They are: the Hanbali School; the Shafi School; the Hanafi School and finally, the Maliki School. They not only helped in maintaining a common law code but also produced a sound judicial structure. Judges can give their judgment where no provision is available in Hanbali books. This has led to flexibility in the system. In the words of Fouad al-Farsy:

The diversity of the four Imams for whom these four schools of thought were named is God-send for the Islamic nation, reflecting as it does the inherent flexibility of Islamic law in general.

Qadhi remains at the hub of the Saudi judicial set-up. Sometimes Junior Qadhi assists the Qadhi to relieve the burden. There are no juries in

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87 Al Farsy, n.6, pp. 36-37.
the fabric of Saudi judiciary. *Qadhi* actively participates in the case and his role is not to arbitrate but to actively seek the truth to render justice. The handling of cases in Saudi judicial system is expeditious and the judges have the reputation for punishing the guilty. Even foreign observers have expressed their faith in the fairness of Shariah procedures. It enables the most ignorant of Bedouins to lodge his complaint and get a fair hearing.

Shariah court accepts two types of actions - a public right action and a private right action. The public right action involves the right followed by the state for the breach of public law. It is similar to a criminal action under Anglo-American jurisprudence. As there is no District Attorney on the American pattern, the Government is represented by the public prosecutor. On the other hand, the private Right Action helps an individual to seek redressal in a court. Many cases involve both rights. The trial can deal with both the parties. Motor vehicle accident comes under this category. In such a case, the Government seeks under the public right to punish the violator of the motor vehicle regulations and the aggrieved individual under private right, received losses resulting from damage to property.

When a *Qadhi* faces a case involving both the rights, he gives decision under the private right to the wronged party and defines the
punishment to be imposed under the public right. Qadhi recommends any case brought before him. He also pronounces judgments in relation to adultery, intoxication, theft and highway robbery.\(^{91}\)

To supplement the Saudi judicial structure, a number of administrative and semi-judicial commissions have been created. *Diwan al-Mazalim* (Board of Grievances) which was established in 1955 is the most significant of such commissions. The term *Mazalim* in Arabic means 'to treat unjustly'. It was the maiden administrative tribunal to invite complaints against ministers, Government agencies, and officials.\(^{92}\) It adjudicates litigations rising out of the complaints of injustice. It does not possess appellate jurisdiction, but it participates in the litigation against Government Ministries. But the Board can not look in to complaints, if the complaints fall under the jurisdiction of Shariah courts. A noted Saudi Lawyer discussed on this ground: “if a person files a complaint against a decision taken by the Shariah Courts, the Diwan will explain to the complainer that he should submit his complaint to the authorities having jurisdiction over

\(^{89}\) Beling, n.86, p.35.
\(^{90}\) Baroody. n.21, p.116.
\(^{91}\) Ibid.
the decisions of the judge. Article 2 of the royal Decree deals with its jurisdiction:

(i) Registration of all complaints submitted to it;

(ii) Investigation of every complaint that may be submitted or referred to it and preparation of a report on the complaint citing the facts, the results of the investigation, the action of the Board recommends and justifications of the recommendation; and

(iii) Forwarding the said report to the concerned minister or head of department with copies to his majesty’s office and the Prime Minister’s office. The concerned Minister or head of the department shall, within two weeks after receiving the report, notify the Board of his carrying out the recommendation action or his objections against it. In the latter case, he shall justify his opposition. Accordingly, the President of the Board shall submit a report to His Majesty the King who will arbitrate the case presented in the report by supreme order.

The decree provides enough scope for the Board to deal with the complaints related to governmental administration. According to article 1 of the Decree, the presiding officer of the Board is President who belongs to a Cabinet rank. Article 3 says that there should be a vice-president and officers who would be appointed by the President with the permission of King and “an adequate number of counsellors, investigators, administrative officials and clerks” are to be appointed by the President.

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95 David E Long, n. 92, p.71.
eminent Islamic Scholar who has contributed to the Maliki School of jurisprudence says in this context (circa 1058 A.D.):

“The Mazalim jurisdiction aims at inducing thorough fear among those who have committed unjust acts to behave equitably toward others and at inducing, through a feeling of respect, the parties to a lawsuit from being too obstinate in their mutual benefits. 96

The Board of Grievances reviews the administrative decisions and provides justice to the wronged party. Besides the Board of Grievances, a number of judicial tribunals exist to deal with the administration of justice in Saudi Arabia. The following are the important organs. 97

(i) The Grievance Board
(ii) The Committee on cases of Forgery
(iii) The Commission on cases of Bribery
(iv) The Commission on the Impeachment of Ministers
(v) the Commission on the settlement of Commercial Disputes
(vi) The Central Committee on cases of Adulteration
(vii) The Supreme Commission on Labour Disputes
(viii) The Disciplinary Councils for Civil Servants
(ix) The Disciplinary Councils for Military personnel. While some of these organs are permanent in nature, others, such as, the various disciplinary Councils are temporary in nature.

96 Ibid.
97 Ibid.

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The Judiciary in Saudi Arabia administers justice with utmost impartiality without discrimination against any party. All are equal before the Judiciary which administers justice strictly in consonance with the principles of Shariah. King may remain at the pinnacle of judicial system, but his interference seems to be largely minimal. Even judges can deliver their judgments where no solution is found in Hanbali texture. This shows the flexibility of the judicial system whereby the judiciary can adapt itself to the changing conditions of society. It is marked that the judiciary in Saudi Arabia works well in consonance with the Islamic principles. Besides this, the Mazalim system with a number of commissions is also an important landmark in the field of administrative jurisdiction. This administrative adjudication would relieve the burden of the judiciary and would dispense justice quickly to the affected party.

The political institutions marked in the Kingdom of Saudi Arabia do not pertain to any theoretical parameter of political development. Some of the institutions like the legislature, the executive also do not even function in consonance with the principles of Shariah. The Majlis (Legislature) served as an informal channel of communication in the absence of a formal law making body. However, this body had no binding influence on the King. The Basic Law introduced by the King only established an appointed legislative body instead of an elected body.
The law in Saudi Arabia is conditioned by Islam. *Quran, Sunnah, Hadith, Izjma, qiyas* determine the law-making procedure in Saudi Arabia. However, the doors of Ijtihad (reasoning) are closed in the Kingdom. The nature of monarchy indicates that it has tribal moorings and is Islamic in nature. The ruler exercises his authority as the religious Imam and temporal Malik. Along with this, the Royal Family conglomerating of Sudairi, Shammar and Bani Faisal also played an important role in the power structure of the Kingdom. However, the monarchy is not recognised in Islam as the Amir must be elected by the people in consonance with the principles of Shariah. Unlike the British Constitution, where the monarchy enjoys no real power, the King in Saudi Arabia remains supreme. The executive or the Council of Ministers marked in the polity of Saudi Arabia also do not enjoy much autonomy in the day-to-day operations. The tenure of the ministers depends upon the wishes of the King. This is, however, an anomaly in the present political system. Coming to the judicial organ of the government, the study shows that it confirms with the principles of Islam to a certain extent. There is openness and fair administration of justice. It can be concluded that the political institutions in Saudi Arabia are being refracted through the prism of Islamic norms to a limited extent.