



**WAAJJIRA AFYAA' IIFI CAFFEE
OROMIYAATIIN KAN QOPHAA'E**

Waggaa 15th Lak. 10/1999
፲፭ኛ ዓመት ቁጥር ፲/፲፱፻፺፱
15th year No. 10/2007

Finfinnee, Adoolessa 21 bara 1999
ፊንፊንዢ፣ ሐምሌ ፳፩ ቀን ፲፱፻፺፱ ዓ.ም
Finfinne, 24 July 2007

MAGALATA OROMIYAA

መ ገ ለ ተ ኦ ሮ ሚ ያ

MEGELETA OROMIA

Gatiin Tokko
ያንዱ ዋጋ
Unit Price

To'annoo Caffee Mootummaa Naannoo
Oromiyaatiin Kan Bahe
በኦሮሚያ ብሔራዊ ክልላዊ መንግሥት
በጨፌ ኦሮሚያ ጠባቂነት የወጣ

Lakk. S. Poostaa 21383-1000
የፖ.ሣ.ቁጥር
P.O. Box

QABIYYEE

Labsii Lak. 128/1999

Labsii Manneetii Murtii Hawaasummaa Gandaa Irra
Deebi'anii Dhaabuufi Aangoosaanii Murteessuuf Bahe
Lak. 66/1995 Irra Deebiidhaan Fooyyessuuf Labsii
Bahe Page

Labsii Lak. 128 /1999

Labsii Manneetii Murtii Hawaasummaa
Gandaa Irra Deebi'anii Dhaabuufi Aangoo
Isaanii Murteessuuf Bahe Lak. 66/1995
Irra Deebiidhaan Fooyyessuuf Labsii Bahe

Labsii Manneetii Murtii Hawaasummaa
Gandaa Irra Deebiidhaan Hundeessuuf Bahe
Lak. 66/1995 hojiirra oolchuurratti
rakkoowwan qunnaman sirreessuun
barbaachisaa ta'ee waan argameef;

Sirna hejimaata, filannoo, muudamaafi itti
gaafatamummaa abbootii seeraa Mana
Murtii Hawaasummaa Gandaa ifatti tumuun
barbaachisaa ta'ee waan argameef;

Akkaataa Heera Fooyya'aa Mootummaa
Naannoo Oromiyaa Lak. 46/1994
Keewwata 49(3) (a) tiin kan kanatti aanu
labsameera.

KUTAATOKKO

Tumaalee Waliigalaa

1. Mata Duree Gabaabaa

Labsiin kun "Labsii Manneetii Murtii
Hawaasummaa Gandaa Irra Deebi'anii
Dhaabuufi Aangoosaanii Murteessuuf
Bahe Lak. 66/1995 Irra Deebiidhaan
Fooyyessuuf Labsii Bahe Lak.128/1999,"
jedhamee waamamuu ni danda'a.

ማውጫ

አዋጅ ቁጥር ፳፻፳፭/፲፱፻፺፱

የቀበሌ ማኅበራዊ ፍ/ቤትን እንደገና ለማቋቋምና
ሥልጣናቸውን ለመወሰን የወጣ አዋጅ ቁጥር ፳፮/
፲፱፻፺፭ን እንደገና ለማሻሻል የወጣ አዋጅ ገጽ ፩

አዋጅ ቁጥር ፳፻፳፭/፲፱፻፺፱

የቀበሌ ማኅበራዊ ፍ/ቤትን እንደገና
ለማቋቋምና ሥልጣናቸውን ለመወሰን
የወጣ አዋጅ ቁጥር ፳፮/፲፱፻፺፭ን
እንደገና ለማሻሻል የወጣ አዋጅ

የቀበሌ ማኅበራዊ ፍ/ቤትን እንደገና ለማቋቋም
የወጣ አዋጅ ቁጥር ፳፮/፲፱፻፺፭ን ሥራ ላይ
በማዋል ሂደት ላይ ያጋጠሙትን ችግሮች
ማስተካከል አስፈላጊ ሆኖ በመገኘቱ፤

የቀበሌ ማኅበራዊ ፍ/ቤት የአሠራር ሥርዓት፣
የዳኞች ምርጫ፣ ሹመትና የተጠያቂነት
ሥርዓት በግልፅ መደንገግ አስፈላጊ ሆኖ
በመገኘቱ፤

በተሻሻለው ኦሮሚያ ሕገ መንግሥት ቁጥር
፱፮/፲፱፻፺፱ አንቀጽ ፱፱(፫)ሀ መሠረት
የሚከተለው ታውጧል፡፡

ከፍል አንድ

ጠቅላላ ድንጋጌ

፩. አጭር ርዕስ

ይህ አዋጅ "የቀበሌ ማኅበራዊ ፍ/ቤትን
እንደገና ለማቋቋም እና ሥልጣናቸውን
ለመወሰን የወጣ አዋጅ ቁጥር ፳፮/
፲፱፻፺፭ እንደገና ለማሻሻል የወጣ አዋጅ
ቁጥር ፳፻፳፭/፲፱፻፺፱" ተብሎ ሊጠራ
ይችላል፡፡

CONTENT

Proclamation No. 128 /2007

A proclamation to revise the proclamation for
Re-establishment and determination of the powers
of the Social Court No.66/ 2003 Page 1

Proclamation No.128 /2007

A Proclamation to Revise
Proclamation for Re-establishment
and Determination of the Powers of
the Social Court No. 66/2003

WHERE AS, it has become necessary to
correct problems encountered on
implementation of the Proclamation to
Provide for Re-establishment and
Determination of the Powers of Social
Court No. 66/2003.

WHERE AS, it is necessary to provide
clear provisions regarding work
procedures, selection, appointment and
accountability of judges of Social Courts.

NOW THEREFORE, in accordance with
Article 49(3)A of the 2001 Revised
Constitution of the Regional State of
Oromia, it is hereby proclaimed as follows.

PART ONE

General Provisions

1. Short Title

This proclamation may cited as
"Proclamation No. 128/2007, A
Proclamation to Revise Proclamation
No.66/2003, for Re-establishment and
Determination the Powers of Social
Courts.

2. Hiika

Akkaataa seensi jechichaa hiika biraa kan kennisiisuuf yoo ta'e malee; Labsii kana keessatti:-

- 1) "Abbaa Seeraa," jechuun Mana Murtii Hawaasummaa Gandaa keessatti Abbaa Seerummaatiin tajaajiluudhaaf akkaataa Labsii kanaatiin nama filatamee muudame jechuudha.
- 2) "Ganda," jechuun akkaataa Heera Fooyya'aa bara 1994 Mootummaa Naannichaatin tumamee jirutti caasaa Mootummaa isa dhumaa kan garjallaa jiru jechuudha.
- 3) "Mana Marii Gandaa," jechuun Heera Mootummaa Naannoo Oromiyaa bara 1994 Fooyya'ee Bahe keessatti haala ibsameen miseensonni isaa jiraattota uummata gandaatiin kallattiidhaan kan filataman ganda keessatti qaama aangoo olaanaa qabuudha.
- 4) "Mana Marii Bulchiinsa Gandaa," jechuun Heera Mootummaa Naannoo Oromiyaa Bara 1994 Fooyya'ee Bahe keessatti haala ibsameen qaama raawwachiiftuu olaanaa gandaati.
- 5) "Mana Murtii Hawaasummaa Gandaa," jechuun Mana Murtii Hawaasummaa sadarkaa gandaatti Labsii kanaan hundeeffame jechuudha.

3. Ibsa Saalaa

Labsii kana keessatti saala dhiiraatiin kan ibsame saala dubartiis ni dabalata.

4. Hundeeffama

Gandoota Mootummaa Naannoo Oromiyaa hunda keessatti Manneen Murtii Hawaasummaa Gandaa Labsii kanaan irra deebiidhaan hundeeffamaniiru.

5. Itti Waamama

Itti waamamni Mana Murtii Hawaasummaa Gandaa, Mana Marii Gandaatiif ta'a.

6. Kaayyoo

Manneen Murtii Hawaasummaa Gandaa kaayyoowwan armaan gadii ni qabaatu;

- 1) Jiraattota gandaa jidduutti nagaafi tasgabbii mirkaneessuudhaan misoomaaf haala mijaa'aa uumuu;
- 2) Jiraattonni gandaa hubannoo seeraaf qaban akka cimu gochuu;
- 3) Jiraattonni gandaa dhiyeenyaan tajaajila haqaa akka argatan taasisuu.

፪. ትርጓሜ

የቃሉ አገባብ ሌላ ትርጉም የሚያስጠው ካልሆነ በስተቀር በዚህ አዋጅ ውስጥ:-

- ሐ) "ዳኛ" ማለት በቀበሌ ማኅበራዊ ፍ/ቤት ውስጥ በዳኝነት እንዲያገለግል በዚህ አዋጅ መሠረት የተመረጠና የተሾመ ሰው ማለት ነው።
- ከ) "ቀበሌ" ማለት በ፲፱፻፺፱ በተሻሻለው የክልሉ ሕገ መንግሥት በተደነገገው መሠረት የታችኛው የመንግሥት መዋቅር ማለት ነው።
- ለ) "የቀበሌ ምክር ቤት" ማለት በ፲፱፻፺፱ ዓ.ም. ተሻሽሎ በወጣው የኦሮሚያ ክልላዊ መንግሥት ሕገ-መንግሥት ውስጥ በተጠቀሰው መሠረት አባላቱ በቀበሌው ነዋሪ በቀጥታ የተመረጡ በቀበሌው ውስጥ ከፍተኛ ሥልጣን ያለው አካል ነው።
- መ) "የቀበሌ መስተዳድር ምክር ቤት" ማለት በ፲፱፻፺፱ ዓ.ም. ተሻሽሎ በወጣው የኦሮሚያ ክልላዊ ሕገ-መንግሥት ውስጥ በተጠቀሰው መሠረት በቀበሌው ከፍተኛ አስፈፃሚ አካል ነው።
- ሸ) "የቀበሌ ማኅበራዊ ፍ/ቤት" ማለት በቀበሌ ደረጃ በዚህ አዋጅ የተቋቋመ ማኅበራዊ ፍ/ቤት ማለት ነው።

፫. የጾታ አገላለፅ

በዚህ አዋጅ ውስጥ በወንድ ጾታ የተገለፀው የሴትንም ጾታ የሚመለከት ይሆናል።

፬. መቋቋም

በኦሮሚያ ክልል ውስጥ ባሉት ቀበሌዎች ሁሉ የቀበሌ ማኅበራዊ ፍ/ቤቶች በዚህ አዋጅ እንደገና ተቋቋመዋል።

፭. ተጠሪነት

የቀበሌ ማኅበራዊ ፍ/ቤት ተጠሪነት ለቀበሌው ምክር ቤት ይሆናል።

፮. ዓላማ

የቀበሌ ማኅበራዊ ፍ/ቤት የሚከተሉት ዓላማዎች ይኖሩታል።

- ሐ) በቀበሌ ነዋሪዎች መካከል ሠላምና መረጋጋትን በማረጋገጥ ለልማት ምቹ ሁኔታን መፍጠር፤
- ከ) የቀበሌው ነዋሪዎች ያላቸው የሕግ ግንዛቤ እንዲጉለበት ጥረት ማድረግ፤
- ለ) የቀበሌው ነዋሪዎች በቅርበት የፍትህ አገልግሎትን እንዲያገኙ ለማድረግ፤

2. Definitions

Unless the context requires otherwise in this proclamation:

- 1) "Judge" means a person who is elected and assigned as judge of social court in accordance with this proclamation.
- 2) "Kebele" means the the lowest structure of government as provided by yhe 2001 Revised Constitution of the Regional State.
- 3) "Kebele Council" means the highest organ of the Kebele as defined in the 2001 Revised Constitution of the Oromia. Regional State whose members are elected directly by the residents of the Kebele.
- 4) "Kebele Administration council" means the highest executive organ of the kebele as defined in the 2001 Revised Constitution of the Regional State of Oromia.
- 5) "Social Court of Kebele" means the Social Court established at the Kebele level by this proclamation.

3. Gender

Provisions of this proclamation set out in the masculine gender shall also apply to the feminine gender.

4. Establishment

Social Courts are hereby reestablished by this Proclamation in all Kebeles of the National Regional State of Oromia .

5. Accountability

The Social Court of the Kebele shall be accountable to the Kebele Council.

6. Objectives

The Social Courts of the Kebele shall have the following objectives.

- 1) Ensuring peace and stability among the Kebele community, and thereby creat conducive atmosphere for development.
- 2) To create a suitable condition to strengthen the legal awareness of the Kebele community.
- 3) To make justice justice service accessible to the residents of the Kebele.

KUTAALAMA
Waa'ee Abbootii Seeraa Mana Murtii
Hawaasummaa Gandaa

7. Bilisummaa Abbaa Seerummaa

- 1) Abbootiin Seeraa Mana Murtii Hawaasummaa Gandaa hojii abbaa seerummaa isaanii bilisummaa guutuudhaan raawwatu.
- 2) Abbootiin Seeraa Mana Murtii Hawaasummaa Gandaa murtii bu'uura sirna jaarsummaa aadaa ykn seeratti fayyadamanii murteessuu danda'u.

8. Haala, Iddoofi Yeroo Dhaddachi Itti Gaggeeffamu

- 1) Manni Murtii Hawaasummaa Gandaa dhaddacha uummataaf ifa ta'etti hojii dhaddachaa ni adeemsisa; ta'us jireenya dhuunfaa falmitootaa, haamilee uummatichaafi nageenya biyyattii ykn naannoodhaa eeguudhaaf jecha qofa falmichi dhaddacha cufaa ta'een dhaga'amu ni danda'a.
- 2) Manneen Murtii Hawaasummaa Gandaa hojiisaani kan gaggeessan:
 - (a) Iddoo Manni Maree Bulchiinsa Gandaa hojiisaa itti gaggeessutti ta'a.
 - (b) Yeroon hojii idilee torban keessaa guyyaa hojii Mana Marii Bulchiinsa Gandaa ta'a.

9. Filannoo Abbootii Seeraafi Ulaagaasaa

- 1) Kaadhimamtoota Abbootiin Seeraa Mana Murtii Hawaasummaa Gandaa dura taa'aa gandaatiin filatamanii walga'ii uummata jiraattota gandaatiin yaanni erga itti kennameen booda Mana Maree Gandaatiin ni muudamu;
- 2) Abbootii seeraa muudaman keessaa tokko dubartii ta'uu qabdi.
- 3) Uummannis kaadhimamtoota dura taa'aadhaan dhiyaataniif naamusa gaarii, kaka'umsa hojii, itti gaafatamummaa kennameef ba'uu kan danda'an ta'usaaniifi kkf. irratti mari'atee yaadasaa ni kenna.
- 4) Kaadhimamtoonni dhiyaatan uummataan kan hin fudhatamine yoo ta'e namoonni biraa filatamanii dhiyaachuu qabu.
- 5) Kaadhimamtoonni Abbootii Seeraa dura taa'aa gandaatiin dhiyaatanii walga'ii Mana Marii Gandaatiin sagalee caalmaa (50 + 1) yoo argatan ni muudamu.

ክፍል ሁለት
ስለ ቀበሌ ማኅበራዊ ፍ/ቤት ዳኞች

፩. የዳኝነት ነፃነት

- ፩) የቀበሌ ማኅበራዊ ፍ/ቤት ዳኞች የዳኝነት ሥራቸውን በሙሉ ነፃነት ያከናውናሉ፡፡
- ፪) የቀበሌ ማኅበራዊ ፍ/ቤት ዳኞች በባህላዊ ሽምግልና ወይንም በሕግ መሠረት ሊወሰኑ ይችላሉ፡፡

፪. የችሎት አካሄድ፣ ማስቻያ ሥፍራና ጊዜ

- ፩) የቀበሌ ማኅበራዊ ፍ/ቤቶች ለሕዝብ ግልፅ በሆነ ችሎት ያስችላሉ፤ ሆኖም የተከራካሪዎችን የግል ኑሮ የሕዝብን ሞራል እና የሀገሪቱን ወይም የክልሉን ሠላም ለመጠበቅ ሊባል ብቻ ክርክሩ በዝግ ችሎት ሊሰማ ይችላል፡፡
- ፪) የቀበሌ ማኅበራዊ ፍርድ ቤቶች ሥራቸውን የሚያከናውኑት፡-
 - (ሀ) የቀበሌው መስተዳድር ምክር ቤት ሥራውን በሚያከናውንበት ቦታ ይሆናል፡፡
 - (ለ) መደበኛው የሥራ ቀን የመስተዳድር ምክር ቤት የሳምንቱ መደበኛ የሥራ ቀን ይሆናል፡፡

፬. የዳኞች አመራረጥና መስፈርቱ

- ፩) የቀበሌ ፍ/ቤት ዕጩ ዳኞች በቀበሌው ሊቀመንበር ተመርጠው በቀበሌው ነዋሪ ሕዝብ ስብሰባ ላይ ቀርበው አስተያየት ከተሰጠ በኋላ በቀበሌው ምክር ቤት ይሾማሉ፡፡
- ፪) ከሚሾሙት ዳኞች መካከል አንዷ ሴት መሆን አለባት፡፡
- ፫) ሕዝቡም በሊቀመንበር የቀረቡትን ዕጩ ዳኞች ጥሩ ሥነ-ምግባር፣ የሥራ ተነሳሽነት፣ የተሰጣቸውን ኃላፊነት መወጣት የሚችሉ መሆናቸውንና በመሳሰሉት ላይ መክሮ አስተያየት ይሰጣል፡፡
- ፬) የቀረቡት ዕጩ ዳኞች በነዋሪው ሕዝብ ተቀባይነት ያላገኙ ከሆነ ሌሎች ሰዎች ተመርጠው መቅረብ አለባቸው፡፡
- ፭) እጩ ዳኞች በቀበሌው ሊቀመንበር አቅራቢነት በቀበሌው ምክር ቤት አብላጫ ድምፅ (፶+፩) ካገኙ ይሾማሉ፡፡

PART TWO

Judges of Kebele Social Courts

7. Judiciary Independence

- 1) Judges of the Social Courts shall exercise their judicial power in full independence.
- 2) Judges of the Social Courts can decide cases in accordance with customary arbitration or laws.

8. Condition, Place and Time of Social Court Proceeding

- 1) The Social Courts shall hold their hearings in open courts. However, they may hold hearing in camera only if it is in the interest of the privacy of the parties, of public morality, of safeguarding peace and security of the region.
- 2) The Social Courts of the Kebele shall conduct hearing.
 - (a) In a place where the Kebele Administration Council works and,
 - (b) The working time of Social Court shall be the regular weekly working time of the Kebele Administration Council.

9. Selection of Judges and Its Criteria

- 1) The candidate judges shall be appointed by Kebele Council after being selected and presented on a meeting of the residents by the chairman of the Kebele and commented upon.
- 2) Among the appointed judges one shall be a women.
- 3) People may comment on the candidates presented by the chairman based on their good conduct, diligence, ability to discharge the responsibility entrusted to them, and etc.
- 4) Where the candidate judges proposed are rejected by the residents other persons shall be selected and put forward.
- 5) Candidate judges presented by the chairman of Kebele shall be appointed by 50 + 1 majority vote of the council.

- 6) Barri hojiisaanii bara hojii Mana Marii Gandaa wajjin tokko ta'a. Abbaan seeraa tokko bara hojii biraatiif deebi'ee filatamuu ni danda'a.
- 7) Namni Abbaa Seeraa ta'ee kaadhimamu:
- Jiraattota gandaa keessaa miseensa Mana Maree Bulchiinsa Gandaa miseensa Mana Marii Gandaa sagalee qaban kan hin taane,
 - Umuriinsaa waggaa soddomaa ol kan ta'e,
 - Fakkeenya gaarii, tattaaffiifi kaka'umsa hojii, kabajaafi amantaa uummataa kan qabu.

10. Baay'ina Abbootii Seeraa

- Manni Murtii Hawaasummaa Gandaa tokko abbootii seeraa sadii (3) ni qabaata.
- Dhaddachi Abbootii Seeraa sadiin(3) ni gaggeeffama.
- Manni Marichaa Abbootii Seeraa yeroo filu abbaa seeraa walitti qabaa, kan mirgaafi kan bitaa yeroo muudaman battalumatti adda baasee murteessuu qaba.

11. Sababootaafi Balleessawwan Naamusaa Abbootii Seeraa Hojiirraa Gaggeessisan

Abbaan seeraa mana murtii hawaasummaa gandaa hojiirraa kan gaggeeffamu:-

- Barri hojiisaa yeroo xumuramu,
- Gandicha gadidhiisee yoo deeme,
- Mana Marii Bulchiinsa Gandaa keessatti miseensa ta'ee yoo filatame,
- Mana Marii Gandaa keessatti miseensa sagalee qabu ta'ee yoo filatame,
- Akkaataa Keewwata kana Keewwata Xiqqaa 1 jalatti tumameen barri hojiisaa dhumuu baatus hojiisaa irratti dadhabinaafi hir'ina naamusa kanaa gaditti ibsaman kan agarsiisee yoo ta'e:
 - Iddoo dhaddacha seeraan murtaa'ee alatti dhaddacha kan gaggeesse yoo ta'e,
 - Guyyaafi yeroo dhaddachi itti gaggeeffamu ifatti osoo hin ibsin yoo hafe,
 - Ragaa bitaafi mirgaa garee wal falmitootaa osoo hin dhaga'iin murtii kan kenne yoo ta'e,
 - Firummaa ykn loogummaa ykn mattaa'aadhaan kan hojjate yoo ta'e,

፩) የሥራ ዘመናቸው ከቀበሌው ምክር ቤት የሥራ ዘመን ጋር አንድ ይሆናል። አንድ ዳኛ ለሌላ የሥራ ዘመን ተመልሶ ሊመረጥ ይችላል።

፪) ዳኛ ሆኖ የሚታጨው ሰው፡-

(ሀ) ከቀበሌው ነዋሪዎች መካከል የቀበሌ መስተዳድር ምክር ቤትና የቀበሌው ምክር ቤት ድምፅ ያለው አባል ያልሆነ፤

(ለ) ዕድሜው ከሠላሣ ዓመት በላይ የሆነ፤

(ሐ) ጥሩ ምሳሌ፣ የሥራ ፍላጎትና ተነሳሽነት፣ የሕዝብ አመኔታና ታማኝነት ያለው መሆን አለበት።

፲. የዳኞች ብዛት

፩) አንድ የቀበሌ ማኅበራዊ ፍ/ቤት ሶስት ዳኞች ይኖሩታል

፪) ችሎቱ በሶስት ዳኞች ይካሄዳል።

፫) ምክር ቤቱ ዳኞቹን መርጦ በሚሾምበት ጊዜ ሰብሳቢ ዳኛ፣ የቀኝና የግራ ዳኛ ለይቶ ወዲያውኑ መወሰን አለበት።

፲፩. ዳኞችን ከሥራ የሚያሰናብቱ

ምክንያቶችና የዲሲፒሊን ጥፋቶች የቀበሌ ማኅበራዊ ፍ/ቤት ዳኛ ከሥራ የሚሰናበተው፡-

፩) የሥራው ዘመን ሲጠናቀቅ፤

፪) ቀበሌውን ለቆ ካሄደ፤

፫) በቀበሌው መስተዳድር ምክር ቤት ውስጥ አባል ሆኖ ከተመረጠ፤

፬) በቀበሌው ምክር ቤት ውስጥ ድምፅ ያለው አባል ሆኖ ከተመረጠ፤

፭) በዚህ አንቀጽ ንዑስ አንቀጽ ፩ ሥር በተደነገገው መሠረት የሥራ ዘመኑ ባይጠናቀቅም ከዚህ በታች የተዘረዘሩትን ድክመቶችና የሥነ-ምግባር ግድፈት ካላየ፤

(ሀ) በሕግ ከተወሰነ የችሎት ሥፍራ ውጪ ችሎት ካላሄደ፤

(ለ) ችሎቱ የሚካሄድበት ቀንና ጊዜ በግልፅ ሳያሳውቅ ከቀረ፤

(ሐ) የሁለቱን ተከራካሪ ወገኖች ምስክር ሳይሰማ ውሳኔ የሰጠ እንደሆነ፤

(መ) በዝምድናና በአድሎ ወይም በመስና የሠራ እንደሆነ፤

6) Their office tenure shall be the same as that of the Kebele Council. However, a judge may be re-elected for another term.

7) A judge presented as a candidate:

(a) Shall be a resident of Kebele, having no voting sound in the Kebele's Administrative Council and Kebele Council.

(b) His age shall be more than 30 years old.

(c) Shall be a good example, diligent, honest and have the confidence of the public.

10. Number of Judges

- Each social court shall have three judges.
- The bench shall be run by three judges.
- The presiding judge, the right and the left judges shall be determined immediately at the time of appointment.

11. Causes and Disciplinary Fault for Removal of Judges

Judges of the social courts can be removed on the following grounds.

- When the office term expired.
- In case he left the Kebele.
- In case he is elected as a member of the Kebele Administrative Council.
- If elected as a voting member of the Kebele Council.
- Notwithstanding to the provision of Sub-Article 1 of this Article, he may be removed before his office term expire if he is proved incompetent and is engaged in the following disciplinary faults.
 - If he proceeds hearing out of the place determined by laws.
 - If he failed to notify hearing date and time.
 - If he decided with out hearing both side witnesses.
 - If he decided the case by nepotism, favoritism or bribe.

- (e) Garagalcha murtii abbaa dhimmaatiif kennuu diduudhaan kan dhamaase yoo ta'e,
- (f) Gochoota mirga ol'iyannoo abbaa dhimmaa daangeessan raawwachuu ykn raawwachuudhaaf yaaluu,
- (g) Sababoota Keewwata kana Keewwata Xiqqaa 5 (a - f) tti tumamaniin abbaan seeraa hojiirraa kan gaggeeffame yoo ta'e akkaataa Labsii kana Keewwata 9 tiin filannoon biraa gaggeeffamee abbaan seeraa ni mudama.

12. Akkaataa Abbaan Seeraa Mana Murtii Hawaasummaa Gandaa Hojiirraa Itti Gaggeeffamu

- 1) Abbaan dhimmaa abbaa seeraarratti komii qabu balleessaawwan naamusaa Labsii kana Keewwata 11 Keewwata Xiqqaa 5 (a-f) jalatti tumaman raawwachuu isaa ibsuudhaan ragaa qabatamaa wajjin Afyaa'ii Mana Marii Gandaatti komiisaa barreeffamaan dhiyeeffachuu qaba.
- 2) Afyaa'ii Mana Marii Gandaa komii dhiyaate qulqulleese walga'ii Mana Marii Gandaatiif dhiyeessuu qaba.
- 3) Manni Marii Gandaa komii dhiyaateef ragaa wajjin xiinxalee murtii barbaachisaa ta'e ni murteessa.
- 4) Akkaataa Keewwata kana Keewwata Xiqqaa 3tiin Manni Marii hanga murtii kennuutti Afyaa'iin Mana Marii Gandichaa abbaa seeraa komiin irratti dhiyaate barbaachisaa ta'ee yoo arge hojiirraa dhoorkee hanga yaa'ii itti aanutti tursiisuu ni danda'a.

13. Dhaddacharraa Ka'uu

Abbaan seeraa tokko kaka'umsa mataasaatiin ykn iyyannoon falmitoota keessaa garee tokkoon yoo irratti dhiyaate sababoota kanaa gadiitti ibsamaniin dhaddacharraa ka'uu ni danda'a.

- 1) Dhimma ofii himate ykn itti himatame ykn wal falmitootaan akka ragaatti kan lakkaa'ame yoo ta'e, falmitoota wajjin lola ykn firooma dhiyoo yoo qabaateefi dhimmicharratti murtii haqaa kennuuf sababa isa rakkisuu danda'u yoo qabaate, ykn sababni biraa murtii haqaa kennuuf isa rakkisu yoo jiraate,

- (ሠ) የፍርድን ግልባጭ ለባለ ጉዳይ ባለመስጠት ያንገላታ እንደሆነ፤
- (ረ) የባለጉዳዩን የይግባኝ መብት የሚገድቡ ድርጊቶችን የፈፀመ ወይም ለመፈፀም የሞከረ ከሆነ፤
- (ሰ) በዚህ አንቀጽ ንዑስ አንቀጽ ፭ ከ(ሀ - ረ) በተደነገጉት ምክንያቶች ዳኛው ከሥራ የተሰናበተ ከሆነ በዚህ አዋጅ አንቀጽ ፱ መሠረት ሌላ ምርጫ ተካሂዶ ሌላ ዳኛ ይሾማል፡፡

፲፪. የቀበሌ ማኅበራዊ ፍ/ቤት ዳኛ ከሥራ የሚሰናበትበት ሥነ-ሥርዓት

- ፩) በዳኛ ላይ ቅሬታ ያለው ባለ ጉዳይ በዚህ አዋጅ አንቀጽ ፲፩ ንዑስ አንቀጽ ፭ /ሀ - ረ/ ስር የተደነገጉትን የሥነ-ምግባር ግድፈቶች መፈፀሙን ከተጨባጭ ማስረጃዎች ጋር በጽሑፍ ለቀበሌው ምክር ቤት አፈ ጉባኤ ማቅረብ አለበት፡፡
- ፪) የቀበሌው ምክር ቤት አፈ-ጉባኤ የቀረበለትን ቅሬታ አጣርቶ ለቀበሌ ምክር ቤት ስብሰባ ማቅረብ አለበት፡፡
- ፫) የቀበሌው ምክር ቤት የቀረበለትን ቅሬታ ከማስረጃ ጋር በማመዛዘን አስፈላጊውን ውሳኔ ይሰጣል፡፡
- ፬) በዚህ አንቀጽ ንዑስ አንቀጽ ሶስት /፫/ መሠረት ምክር ቤቱ ውሳኔ እስከሚሰጥ ድረስ የቀበሌው ምክር ቤት አፈ-ጉባኤ አስፈላጊ ሆኖ ካገኘው ቅሬታ የቀረበበትን ዳኛ ከሥራ አግዶ እስከሚቀጥለው የምክር ቤት ስብሰባ ሊያቆየው ይችላል፡፡

፲፫. ከችሎት ስለመነሳት

አንድ ዳኛ በራሱ ተነሳሽነት ወይም ከተከራካሪ ወገኖች መካከል በአንዱ አቤቱታ የቀረበለት እንደሆነ በሚከተሉት ምክንያቶች ከችሎት ሊነሳ ይችላል፡፡

- ፩) ራሱ ከላሽ ወይም ተከላሽ በሆነበት ጉዳይ ወይም ምስክርነት በተቆጠረበት ጉዳይ ከሆነ፤ ከተከራካሪ ወገኖች ጋር ፀብ ወይም የቅርብ ዝምድና ያለው ከሆነና በጉዳዩ ላይ ትክክለኛ ፍትህ ለመስጠት የሚያስቸግረው ምክንያት ሊኖረው፤

- (e) If he caused an inconvenience to the party by refusing to give copy of judgment.
- (f) If he performs or try to perform activities which may limit the right to appeal of the party.
- (g) If the judge is removed based on causes specified under Sub-Article 5(a-f), of this Article, another judge shall be appointed in accordance with Article 9 of this proclamation.

12. Procedure to be Followed for Removal of Social Court Judges

- 1) A party having a complaint against a judge shall submit it in written as per Sub-Article 5(a-f) of Article 11 of this Proclamation with the support of concrete evidence of disciplinary faults to the Speaker of Kebele Council.
- 2) The Speaker of the Kebele Council after making an enquiry shall submit complaints he received to the session of the Kebele Council.
- 3) The Kebele Council shall give the necessary decision on the complaint submitted after compairing it by against the evidence.
- 4) The Speaker of the Council may suspend the judge upon whom the complaint is sumitted from his work until the Council decides in accordance with Sub-Article 3 of this Article.

13. Withdrawal of the Judges

A judge may withdraw from hearing a case up on his own initiation or by the petition of either of the parties on the following ground.

- 1) If the case is related to the matter for which the judge sued or was sued, or called as a witness, or if he has a dispute or is a close relative to either one of the parties and have a reason that may not hinder him from giving the right decision;

- 2) Dhimmicha jaarsummaadhaan dursee kan ilaale yoo ta'e,
- 3) Keewwata kana Keewwata Xiqqaa 1 jalatti kan tumame firooma dhiyoo jechuun abbaa seerichaatiif namoota abbaa, haadha, akkoo, akaakayyuu, ijoollee, obbolaa, eessuma, adaadaa, haadha warraa, abbaa warraa, soddaa, ijoollee firoota armaan olitti tarreeffamaniifi KKF kan ta'an jechuudha.
- 4) Abbaan seeraa tokko dhaddacharraa akka ka'u iyyanni yeroo dhiyaate abbootii seeraa hafaniin murtiin iyyannicharratti ni kennama.
- 5) Murtiin iyyannaa kanarratti kennamu ol' iyyannaa hin qabu.
- 6) Akkaataa Keewwata kana Keewwata Xiqqaa 1-4 jirutti abbaan seeraa tokko dhaddacharraa yoo ka'e dhimma kanaaf qofa abbootiin seeraa hafan akka hojjetan ni taasifama.

KUTAA SADII

Aangoo Hariiroo Hawaasaa Manneen Murtii Hawaasummaa Gandaa

14. Aangoo Abbaa Seerummaa

Manni Murtii Hawaasummaa Gandaa tokko dhimma dhiyaatef ilaalee murteessuu kan danda'u:

- 1) Himatamaan jiraataa ganda sanaa yoo ta'e; ykn
- 2) Qabeenyi hin sochoone falmichaaf sababa ta'e ganda san keessatti kan argamu yoo ta'e; ykn
- 3) Keewwata kana Keewwata Xiqqaa 2 jalatti kan ibsame qabeenyi hin sochoone daangaa gandoota lamaan ykn lamaa olii gidduutti kan argamu yoo ta'e dhimmicha ilaaluuf aangoo kan qabu Mana Murtii Hawaasummaa himannichi dursee dhiyaatef ta'a.

15. Hanga Qarshii Ilaalanii Murteessaniifi Ragaalee Adda Addaa Kennuu

- 1) Qabeenya tilmaamnisaa Qar. Kuma tokkoofi dhibba shan (1500) ol hin taane, ykn Qarshii Kuma tokko dhibba shan (1500) hin caallerratti falmii ka'u ilaalanii murteessuuf aangoo ni qabaatu.
- 2) Ragaalee hojii dhabiinsaa fi kkf. kennuu ni danda'u.

፪) ጉዳዩን አስቀድሞ በሽምግልና ያየው እንደሆነ፤

፫) በዚህ አንቀጽ ንዑስ አንቀጽ ፩ ሥር የተደነገገው የቅርብ ዝምድና ማለት ለዳኛው አባት፣ እናት፣ ሴት ወይም ወንድ አያት፣ ልጆች፣ ወንድሞች፣ እህቶች፣ አጎት፣ አክስት፣ ሚስት ወይም ባል፣ አማት፣ ወይም አማች እና የእነዚህ የተዘረዘሩት ዘመዶች ልጆች የሆኑ ማለት ነው።

፬) አንድ ዳኛ ከችሎት እንዲነሳ አቤቱታ ሲቀርብ በቀሩት ዳኞች በአቤቱታው ላይ ውሳኔ ይሰጣል።

፭) በዚህ አቤቱታ ላይ የሚሰጥ ውሳኔ ይግባኝ አይጠየቅበትም።

፮) በዚህ አንቀጽ ንዑስ አንቀጽ ፩-፱ መሠረት አንድ ዳኛ ከችሎት ላይ ከተነሳ ለዚህ ጉዳይ ብቻ የተቀሩት ዳኞች እንዲሰሩ ይደረጋል።

ክፍል ሶስት

የቀበሌ ማኅበራዊ ፍ/ቤቶች

የፍትሐብሔ የዳኝነት ሥልጣን

፲፱. የዳኝነት ሥልጣን

አንድ የቀበሌ ማኅበራዊ ፍ/ቤት የቀረበለትን ጉዳይ አይቶ ለመወሰን የሚችለው፡-

- ፩) ተከላሽ የዚያ ቀበሌ ነዋሪ ከሆነ ወይም
- ፪) ለክርክሩ መነሻ የሆነ የማይንቀሳቀስ ንብረት በዚያው ቀበሌ ውስጥ የሚገኝ ከሆነ፤
- ፫) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ ሥር የተመለከተው የማይንቀሳቀስ ንብረት በሁለት ወይም ከዚያ በላይ ባሉ ቀበሌዎች አዋሳኝ መካከል የሚገኝ ከሆነ ጉዳዩን ለማየት ሥልጣን ያለው ጉዳዩ ቀድሞ የቀረበለት ማኅበራዊ ፍ/ቤት ይሆናል።

፲፭. አይተው መወሰን የሚችሉት የገንዘብ መጠንና የተለያዩ ማስረጃዎችን መስጠት

- ፩) ግምቱ ከ፩ሺ፩፻ ብር /አንድ ሺ አምስት መቶ ብር/ የማይሆን ንብረት ወይም ከ፩ሺ፩፻ ብር የማይበልጥ ገንዘብ ላይ የሚነሳውን ክርክር የማየት ሥልጣን አላቸው።
- ፪) የሥራ አጥነት ማስረጃና የመሳሰሉትን ሊሰጥ ይችላል።

2) If the judge has previously seen the case by way of arbitration;

3) For the purpose of Article 13(1) a close relative shall mean the father, mother, grand mother or grand father, children, brothers, sisters, uncle, aunt, spouse, mother or father-in-law of the judge and their children;

4) The remaining judges shall hear the application for withdrawal and give decision there on;

5) No appeal shall lie from the decision on the application for withdrawal of judges.

6) Where judge withdraws pursuant to Sub-Article 1-4 of this Article the remaining judges shall be made to continue and decide on this case only.

PART THREE

Civil Jurisdiction of Social Courts

14. Judicial Jurisdiction

The Social Courts shall have jurisdiction over a case if,

- 1) The defendant is a resident of the kebele where the court is situated; or,
- 2) The immovable property which is the subject matter of the dispute is found in that Kebele.
- 3) The immovable property referred to in Sub-Article 2 of this Article is situated on the border delineating two or more Kebele, the Social Court before which the case brought first shall have jurisdiction over the matter.

15. Amount of Money and Documents

- 1) Dispute relating to property the value of which does not exceed Birr, 1500 (One thousand five hundred) and money not exceeding 1500 Birr.
- 2) Issuing unemployment certificates and the like.

16. Dameefi Hidda Mukaa Lafa Ollaa Lixerratti Falmii Ka'u

- 1) Namni kamiyyuu dameewwan mukaa lafa ollaasaa irraa gara lafasaatti dagaage baatii tokko keessatti akka isarraa ciraamu manni murtii ajajuu ni danda'a.
- 2) Namni kamiyyuu hidda mukaa lafa ollaasaa irraa gara lafa ollaasaatti daangaa kan darbe yoo ta'e, ofuma isaatiin muruuf mirga ni qaba.

17. Falmii Dallaa ykn Mana Haaromsuurratti Ka'u

- 1) Dallaa tokko ykn mana tokko haaromsuuf lafa ollaa ofiirra deemuun ykn darbuun dirqama ta'ee yoo argame ollaan ofii kun lafasaarra akka deemamu ykn darbamu eeyyamuun dirqamasaa ta'a;
- 2) Haa ta'u malee, lafasaarra akka deemamu ykn darbamu eeyyamuun isaa miidhaa yoo isarraan gahe beenyaan akka kaffalamuuf abbootiin seeraa murteessuu ni danda'u. Beenyaan inni gaafatu qarshii 1000 (kuma tokko) ol yoo ta'e garuu, himanni dhiyaachuu kan danda'u Mana Murtii Aanaatti ta'a.

18. Qabeenya Bade Lafa Ormaa Keessa Seenanii Yemmuu Barbaadan Falmii Ka'u

- 1) Sababa kamiinuu qabeenya ofii tokko lafa ormaa keessa seenee yoo bade, ykn yoo dhokate abbaan qabeenyaa lafa ormaa kana keessa seenee barbaadatee akka fudhatu abbaan qabiyyee lafichaa eeyyamuun dirqamasaa ta'a.
- 2) Haa ta'u malee, lafasaa keessa akka seenamu eeyyamuun isaa miidhaa isarraan yoo gahe beenyaan kaffalamuufii qaba. Abbaan qabiyyee lafichaas hanga beenyaa argatutti qabeenya lafasaa keessatti argame sana qabachuu ykn hin kennu jechuuf mirga qaba. Beenyaan inni gaafatu qarshii 1500 (kuma tokkoofi dhibba shan) ol yoo ta'e garuu himanni dhiyaachuu kan danda'u Mana Murtii Aanaatti ta'a.
- 3) Abbaan qabiyyee lafichaa matuma isaatiin qabeenya bade (dhokate) sana barbaadee arguudhaan abbaa qabeenyichaaf yoo deebise garuu, namni biraa lafasaa keessa akka hin seenne dhoorkuu ni danda'a.

፲፮. ወደ ጉረቤት ዘልቀው በሚገቡ የዛፉ ቅርንጫፎችና ሥሮች ላይ የሚነሱ ክርክሮች

- ሐ) ማንኛውም ሰው መሬቱ ላይ ተዘርግተው የገቡትን የጉረቤቱን የዛፎች ቅርንጫፍ በአንድ ወር ጊዜ ውስጥ እንዲቆርጥለት ፍርድ ቤቱ ሊያዝ ይችላል።
- ከ) ማንኛውም ሰው ከጉረቤት መሬት ወሰን አልፈው ወደ ራሱ መሬት ያለፉትን የዛፍ ሥሮች ራሱ ለመቀረጥ መብት አለው።

፲፯. አጥር ወይም ቤትን ስለማደስ አስመልክቶ የሚነሱ ክርክሮች

- ሐ) አጥር ወይም ቤት ለማደስ በጉረቤት መሬት ማለፍ አስፈላጊ ሆኖ ከተገኘ ጉረቤቱ የሆነው ሰው በመሬቱ ላይ መተላለፉን መፍቀድ አለበት።
- ከ) ሆኖም ግን በመሬት ላይ መተላለፍን መፍቀዱ ጉዳት የሚያደርስበት ከሆነ ካሳ እንዲከፍለው ዳኞች ሊወስኑ ይችላሉ። የሚጠየቀው ካሳ ከ፩ሺ /ከአንድ ሺ ብር/ በላይ ከሆነ ክሱ ሊቀርብ የሚችለው ለወረዳው ፍርድ ቤት ነው።

፲፰. የጠፉ ንብረቶች ፍላጋ የሰው መሬት ውስጥ ገብተው ሲፈልጉ የሚነሱ ክርክሮች

- ሐ) በማንኛውም ምክንያት አንድ ንብረት ወደ ሶስተኛ ሰው መሬት ውስጥ ገብቶ ከጠፋ ወይም ከተሰወረ ባለንብረቱ መሬቱ ውስጥ ገብቶ እንዲፈልግና እንዲወስድ የመሬቱ ባለ ይዞታ የመፍቀድ ግዴታ አለበት።
- ከ) ሆኖም ወደ መሬት እንዲገባ መፍቀድ ጉዳት የሚያደርስበት ከሆነ ካሳ ሊከፍለው ይገባል። የመሬት ባለ ይዞታ ካሳውን እስኪከፍለው ድረስ ከመሬቱ ላይ የተገኘውን ንብረት የመያዝ ወይም አልሰጥም የማለት መብት አለው። የሚጠየቀው ካሳ ከከ፩ሺ፮፻ብር /ከአንድ ሺ አምስት መቶ ብር/ ብር በላይ ከሆነ ግን ክሱ ሊቀርብ የሚችለው ለወረዳ ፍርድ ቤት ነው።
- ለ) የመሬቱ ባለ ይዞታ የጠፋውን ወይም የተሰወረውን ንብረት ወዲያውኑ ራሱ ፈልጎ ለባለቤቱ የሰጠ እንደሆነ ሌላ ሰው በመሬቱ ላይ እንዳይገባ መከላከል ይችላል።

16. Branches and Roots

- 1) Any person whose land is encumbered by branches springing from the adjoining land may apply to the Social Court to order his neighbors to cut such branches with in one month.
- 2) Any person shall have a right to cut branches and roots passing from the adjoining land.

17. Repairing a Fence or a House

- 1) If it is necessary to pass over the neighbors land to repair a fence or house he shall be obliged to permit passing over his land.
- 2) But, if permitting his neighbor to pass over his land causes damage the judges shall decide a compensation to paid. However, when the claim for a compensation exceeds birr 1000 (one thousand Birr) It shall be brought before a District Court.

18. Lost Property

- 1) Where own property is lost or hidden for some reason in some one's land the land holder is obliged to permit the owner to enter, search and take.
- 2) Where permitting to enter causes damage compensation must be paid. And the land holder shall have a right to hold on to or not to give the lost property. However, when the claim for compensation is more than 1500 Birr, it shall be brought before district court.
- 3) The land holder may prohibit access where he himself immediately searched, found and returned the lost property to the interested.

19. Falmii Sarara Ujummoo Bishaanii, Elektirikaafi Mandalaarratti (Booyiirratti) Ka'u

- 1) Abbaan qabiyyee lafaa tokko miidhaa isarra gahu hundaaf wabii gahaa ta'e dursee erga qabateen booda sarara ujummoo bishaanii, mandala, sarara elektirikaafi kkf lafasaarra ykn keessa darbanii namoota biroof faayidaa akka kennan eeyyamuun dirqama isaati;
- 2) Diriirsuun sarara ujummoo bishaanii, mandalaafi elektirikaa hanga danda'ametti abbaa lafaa sanirratti haala miidhaa cimaa hin qaqqabsiifneen raawwatamuu qaba;
- 3) Abbaan qabiyyee lafaa sunis yeroo barbaade baasii mataasaatiin sarara ujummoo bishaanii, mandalliifi elektirikaa sun lafasaarraa bakka biraatti jijjiiramanii akka diriirfaman ykn ijaaraman gochuu ni danda'a. Abbootiin seeraallee kanuma isaaf ajajuu ni danda'u.

20. Falmii Mirga Daandii Irra Deeman Argachuurratti Ka'u

Namni daandiin itti cufame ykn daandii bahaafi galmaaf gahaa ta'e hin qabne tokko daandiin barbaachisaa ta'e akka banamuuf ykn daandiin biraa lafa nama biroo keessa akka isaaf bahu manni murtii ajaja kennuu ni danda'a. Haa ta'u malee, daandiin isaaf banamee kenname kun abbaa qabiyyee lafa san irratti miidhaa kan geessisu yoo ta'e manni murtii ajaja jedhame kana kennuu kan danda'u namichi daandii argate sun abbaa qabiyyee lafichaaf beenyaa gahaa ta'e dursee yammuu kaffalu ta'a.

21. Falmii Mirga Abbaa Qabeenyummaatti Akka Malee Fayyadamuurratti Ka'u

- 1) Abbaan qabeenyaa tokko mirga abbaa qabeenyummaa isaatti yammuu fayyadamu haala faayidaa namoota ollaasaa jiran hir'isuutti ykn miidhutti ta'uu hin qabu. Akka malee mirgasaatti yoo fayyadamees gocha akka malee kanarraa akka of qusatu abbootiin seeraa ajajuu ni danda'u.
- 2) Keessumaayyuu aarri, cileen, ajaan, ykn xuriin waliin jireenya aadaa ollummaatiin hin obsamne akka malee gara ollaatti akka yaa'u ykn jallatu gochuun dhoorkaadha. Kunis raawwatamee yoo argame akka dhaabbatu abbootiin seeraa ajajuu ni danda'u.

፲፱. ስለ መተላለፍያ ቦቶች፣ ቧንቧዎችና የኤሌክትሪክ መስመሮች የሚነሱ ክርክሮች

- ሀ) የመሬቱ ባለ ይዞታ ለሚደርስበት ጉዳት በሙሉ አስቀድሞ ዋስትና ካያዘ በራሱ መሬት ላይ ለሌሎች ሰዎች ጥቅም የሚሆኑ የውሃ ቧንቧዎች፣ የውሃ ቦቶችና የኤሌክትሪክ መስመሮችንና እነዚህን የመሳሰሉት ሌሎች ሥራዎች እንዲተላለፍ የመፍቀድ ግዴታ አለበት።
- ለ) የውሃ መተላለፊያ ቦቶች፣ ቧንቧዎችና የኤሌክትሪክ መስመሮች መዘርጋቱ ሥራ ከፍ ያለ ጉዳት በሚያስከትል መልኩ መፈፀም የለበትም።
- ሐ) የመሬቱ ባለ ይዞታ በፈለገ ጊዜ በራሱ ወጪ የመተላለፊያ ቦቶችና ቧንቧዎች ወይም የኤሌክትሪክ መስመሮች ከመሬቱ ላይ ወደ ሌላ ስፍራ እንዲዛወሩ ወይም እንዲቋቋሙ ማድረግ ይችላል። ዳኞቹም ይህንን ሊያዙለት ይችላሉ።

፳. የመተላለፍ መብት

መንገድ የተዘጋበት ወይም በቂ የሆነ መውጫና መግቢያ መንገድ የሌለው ሰው አስፈላጊው መንገድ እንዲከፈተለት ወይም ሌላ መተላለፊያ መንገድ ባለው ሰው መሬት ውስጥ እንዲወጣለት ፍ/ቤት ትእዛዝ ሊሰጥ ይችላል። ሆኖም ግን የተከፈተለት መንገድ ወይም የሚሰጠው መተላለፊያ መንገድ በባለ ይዞታው ላይ ጉዳት የሚያደርስ ከሆነ ፍ/ቤቱ ትዕዛዝ ለመስጠት የሚችለው መተላለፊያ መንገድ የተሰጠው ሰው ለባለ ይዞታው አስቀድሞ በቂ ካሣ ከከፈለ ነው።

፳፩. በባለ ሀብትነትን መብት አለመጠን ስለመገልገል

- ሀ) ባለ ሀብቱ በመብቱ በሚገለገልበት ጊዜ የጉረቤቱን ጥቅም በሚቀንስ ወይም በሚጎዳ መልኩ መሆን የለበትም። አለመጠን በመብቱ ከተጠቀመ ከዚህ ከማይገባ አድራጎት እንዲቆጠብ ዳኞች ትዕዛዝ ሊሰጡ ይችላሉ።
- ለ) በተለይም ጢስን፣ ጥላሽትን፣ መጥፎሽታ ወይም በጉርብትና አኗኗር ሊታገሉት ከሚችለው በላይ የሆኑትን ቆሻሻዎች ወደ ጉረቤቶቹ እንዲፈሉ ወይም እንዲገቡ ማድረግ የተከለከለ ነው። ይህም ተፈጽሞ ከተገኘ ድርጊቱ እንዲቆም ዳኞች ትዕዛዝ ሊሰጡ ይችላሉ።

19. Disputes Raised Over Installation of Water Pipes and Electric Lines

- 1) The land holder shall against full payment in advance of compensation for the damage there by caused, allow the installation on his land of water, electric lines or similar works to benefit of other persons.
- 2) Waterways, installation of water pipes and electric lines shall be made with a minimum damage.
- 3) The holder of the land may at any time may move waterways, water pipes or electric lines at his own expense and place on some other part of the land; And the judges may order to that effect.

20. Right of Way

Whosoever is denied access to public way by blockage or does not have way sufficient to access his home or land may request the court to order the removal of such blockage or may demand right of way from his neighbor's land. The court however, can give such an order on condition that the person who is given right of ways compensation portioned to the damage, if any, that may be caused thereby to him neighbors.

21. Abuse of Ownership Right

- 1) The owner of property shall not exercise his ownership right in manner which is determinate to the interest of his neighbor. Judges may order him to refrain from his abusive acts if the owner abuses his right.
- 2) In particular the owner shall not cause smoke, soot, un pleasant smells, noise behavior. Should the owner causes such acts, judges may order him to refrain from.

- 3) Ta'us ajaja yammuu kennan aadaa uummatichaa, haala taa'iinsa lafichaa seera uumamaafi fayyaa hawaasichaa tilmaama keessa galchuu qabu.

22. Falmii Bishaan Bokkaarratti Ka'u

- 1) Namni kamiyyuu bishaan bokkaa manasaarraa bu'u haala ollaasaa miidhuun mandalaan ykn ujummoodhaan mooraasaa keessaa alatti akka dhangala'u gochuu hin danda'u. Akkas godhee yoo argame abbootiin seeraa isa dhoorkuuf ajaja kennuu ni danda'u.
- 2) Barbaachisaa ta'ee yoo argame bishaan bakkichaa ashandaadhaan ykn ujummoodhaan gara uummanni hunduu bishaan xurii dhagalaasanitti akka yaa'u gochuun isarra jiraata. Kanas akka raawwatu abbootiin seeraa ajajuu ni danda'u.

23. Falmii Bishaan Lagaarratti Ka'u

- Namni kamiyyuu bishaan lagaa lafasaarra darbu ykn lafasaa keessaa burqu gara lafa isa gajjallaatti akka hin yaane hidhaa yoo ijaare, yaa'a yoo baase abbootiin seeraa dhoorkaa ajajuu ni danda'u.

KUTAA AFUR

Akkaataa Deemsa Falmii, Himannaafi Deebiin Itti Dhiyaatu

24. Dirqama Mana Murtii Hawaasummaa Gandaa

- 1) Manneetiin Murtii Hawaasummaa Gandaa wal falmiiwwan dhiyaatan irratti gareen wal falman wal dhabdeesaanii duraan dursee araaraan akka hiikkatan taasisuu qaba.
- 2) Wal dhabbiinsa araaraan hiikuun yoo dadhabame ragaa bitaafi mirgaa caqasanii murteessuun dirqama ta'a.
- 3) Murtiin adeemsa kana hin eegne kufaa ta'a.

25. Haala Himannaan Itti Dhiyaatu

- 1) Himanni ykn deebiin Mana Murtii Hawaasummaa Gandaatti dhiyaatu barreeffamaan ykn afaaniin ta'uu ni danda'a.
- 2) Himanni ykn deebiin barreeffamaan dhiyaatu kooppii sadiin ta'uu qaba.
- 3) Kan Keewwata kana Keewwata Xiqqaa 1 jalatti tumame jiraatuyyuu hanqina humnaatiin kan ka'e barreeffamaan dhiyeeffachuu hin danda'u jedhee nama itti amanerraa manni murtichaa himata ykn deebii afaaniin dhiyaatu fuudhuu ni danda'a.

- ፫) ትዕዛዙን ሊሰጡ ግን የአገሩን ልማድ የመሬቱን አቀማመጥ የተፈጥሮ ሕግና የኅብረተሰቡን ጤንነት ግምት ውስጥ ማስገባት አለባቸው፡፡

፳፪. በዝናብ ውኃ ላይ የሚነሳ ክርክር

- ፩) ማናቸውም ሰው ከቤቱ ጣርያ ላይ የሚወርደውን የዝናብ ውኃ ጉረቤቱን በሚጎዳ መልኩ በቦይ ከግቢው ውጪ እንዲፈስ ማድረግ የለበትም፡፡ እንዲህ አድርጎ ከተገኘ ዳኞች ሊከሰስሉት ይችላሉ፡፡
- ፪) አስፈላጊ ሆኖ ከተገኘ የዝናብ ውኃ በአሸንዳ ወይም በቧንቧ ወደ ተበጀው የሕዝብ የውኃ መሄጃ እንዲፈስ ማድረግ ይጠበቅበታል፡፡ ይህን እንዲፈፅም ዳኞች ትዕዛዝ ሊሰጡ ይችላሉ፡፡

፳፫. በወንዝ ውኃ ላይ የሚነሳ ክርክር

- ማናቸውም ሰው በመሬቱ ላይ የሚያልፈውን ወንዝ ወይም ከመሬት ላይ የሚመነጨውን ውኃ ከወደታች ወደሚገኘው መሬት እንዳይፈስ የሚያግድ ግድብ የሰራ እንደሆነና ውኃ መውረጃ ካወጣ ዳኞች የዕግድ ትዕዛዝ ሊሰጡ ይችላሉ፡፡

ክፍል አራት የክርክር፣ የክስና መልስ አቀራረብ ሥነ-ሥርዓት

፳፬. የቀበሌ ማኅበራዊ ፍ/ቤት ግዴታ

- ፩) የቀበሌው ማኅበራዊ ፍ/ቤት የሚቀርቡለትን ክርክሮች ተከራካሪ ወገኖች በቅድሚያ አለመግባባታቸውን በእርቅ እንዲጨርሱ ማድረግ አለበት፡፡
- ፪) አለመግባባቱን በእርቅ መጨረስ ካልተቻለ የግራ ቀኙን ምስክሮች ከሰማ በኋላ መወሰን አለበት፡፡
- ፫) ይህን አካሄድ ያልተከተለ ወላኔ ውድቅ ይሆናል፡፡

፳፭. ክስ የሚቀርበበት ሁኔታ

- ፩) ለቀበሌው ማኅበራዊ ፍ/ቤት የሚቀርብ ክስ በጽሑፍ ወይም በቃል ሊሆን ይችላል፡፡
- ፪) በጽሑፍ የሚቀርብ ክስ ወይም መልስ በሶስት ኮፒ መቅረብ አለበት፡፡
- ፫) በዚህ አንቀጽ ገጽብ አንቀጽ ፩ የተደነገገው ቢኖርም ፍ/ቤቱ በአቅም ማነስ ምክንያት በጽሑፍ ማቅረብ አይችልም ብሎ ያመነበትን ሰው የሚያቀርበውን ክስ ወይም መልስ በቃል መቀበል ይችላል፡፡

- 3) Judges, however, shall regard to local custom, the position of the lands and the nature there of and the health of the community, to order stay of abuse.

22. Rain Water

- 1) No one shall drain rain water from his roof into the compound of his neighbor through drainage in a manner that is harmful. Should the owner do so, judges may order him to refrain from.
- 2) He shall drain rain water through gutters or pipes as may be necessary into the public sewers as all people do so. Judges may order him to do so.

23. Running Water

- Judges may give order a prohibition for any land holder from setting up a dike to prevent a river flowing through his land, or dig a cannal preventing the flow of a spring water from his land to the land bellow.

PART FOUR Procedures of Pleading

24. Responsibilities of the Kebele Social Court

- 1) The Kebele Social Court shall first make parties to solve their dispute through arbitration.
- 2) If it is not possible to resolved the dispute through arbitration, it shall hear witness from both side and decide the case there of.
- 3) Decisions that did not follow this procedure shall be null and void.

25. Proceduers for Filing a Suit

- 1) Suing before the social courts may be in written or in oral .
- 2) Suing shall be prepared in three copies .
- 3) Notwithstanding Sub-Article 1 of this Article, the court may accept a suit or a defense orally if it thinks that the party is not in a position to plead in writing.

- 4) Himanni barreeffamaanis ta'e afaaniin dhiyaatu tilmaama qabeenyichaa ykn hanga maallaqaa himannichi irratti hundaa'e ibsuu qaba. Sababni himannichaa gaaffii mirgaa kan maallaqaan tilmaamamuu hin dandeenye yoo ta'e kunumti ibsamuu qaba.

26. Namoota Himata Dhiyeessuu Danda'an

- 1) Himanni hariiroo hawaasaa kan dhiyaatu qaama falmicharraa bu'aa argachuu danda'uun, ykn nama miidhaan irra gayeen ykn bakka bu'aasaatiin ta'a.
- 2) Bakka bu'aa jechuun abukaatoo hayyamaafi bakka bu'ummaa qabu, dubbii fixaa waajjiraa, ykn haadha manaa, abbaa manaa, abbaa, haadha, ilma, intala, obboleessa, obboleettii, akaakayyuu ykn akkoo himataa ykn himatamaa ni dablata.

27. Ajaja Waamichaa

- 1) Himatamaan himata hariiroo hawaasaa isarratti dhiyaateef deebii kennuu akka danda'u waamicha mana murtii wajjin beellamaan dura guyyaa torba dursee isa gahuu qaba. Xalayaan waamichaa kunis maqaa himataafi himatamaa, yeroofi bakka himanni itti dhagahamu ykn ilaalamu, akkasumaas gosa himannichaa gabaabinaan kan ibsu ta'uu qaba.
- 2) Namni ykn qaamni kamiyyuu waamichi Mana Murtii Hawaasummaa isa yoo gahe dhiyaachuu ykn ragaa gaafatame dhiyeessuuf dirqama qaba.

28. Beellamatti Dhiyaachuu Dhabuu

- 1) Dhimma hariiroo hawaasaarratti himatamaan beellama duraarraa yoo hafe yeroo lammaffaaf waamichi ni godhamaaf; beellama lammaffaatti yoo hafe garuu manni murtichaa bakka inni hin jirreetti galmee qoratee ragaa himataas dhagahee murtii ni kenna.
- 2) Himataafi Himatamaan lamaanuu beellama duraarraa yoo hafan beellamni tokko ni jijjiiramaaf, beellama lammaffaarra yoo hafan garuu galmeen ni cufama.
- 3) Dhimmi murtiif kan bule yoo ta'e himataafi himatamaan dhiyaachuu baatanis kunumtu galmaayee murtiin ni kennama malee galmeen hin cufamu.

፬) በጽሑፍም ሆነ በቃል የሚቀርበው ከስ የንብረቱን ግምት ወይም የገንዘቡን መጠን መግለጽ አለበት፡፡ የክሱም ክንያት በገንዘብ የማይተመን የመብት ጥያቄ ከሆነ ይኼው መግለጽ አለበት፡፡

፳፮. ከስ ማቅረብ የሚችሉ ሰዎች

- ፩) የፍትሐብሔር ከስ የሚቀርበው ከክርክሩ ሊጠቀም በሚችል ወይም ጉዳት በደረሰበት ሰው ወይም በተወካዩ ይሆናል፡፡
- ፪) ተወካይ ማለት ህጋዊ ፈቃድና ውክልና ያለው ጠበቃ፣ የመስሪያ ቤት ነገረ ፈጅ፣ ወይም ሚስት ወይም ባል፣ አባት፣ እናት፣ ልጅ፣ ወንድም፣ እህት ወይም የከላሽ ወይም የተከላሽ አያትን ይጨምራል፡፡

፳፯. የጥሪ ወረቀት

- ፩) ከስ የቀረበበት ሰው ቀርቦ መልስ ለመስጠት እንዲችል ከቀጠሮው ቀን ሰዓት ቀን ቀደም ብሎ የፍ/ቤቱ የጥሪ ወረቀት ሊደርሰው ይገባል፡፡ የጥሪ ወረቀቱም የከላሽና የተከላሽ ስም፣ ሰዓትና ክስ የሚታይበት ቦታ፣ እንዲሁም የክሱን አይነት በአጭሩ የሚገልጽ መሆን አለበት፡፡
- ፪) ማንም ሰው ወይም አካል የማገበራዊ ፍ/ቤት ጥሪ ሊደርሰው የመቅረብ ወይም እንዲያቀርብ የታዘዘውን ማስረጃ የማቅረብ ግዴታ አለበት፡፡

፳፰. በቀጠሮ ቀን አለመቅረብ

- ፩) በፍትሐብሔር ጉዳይ ላይ ተከላሽ የመጀመሪያውን ቀጠሮ ካልመጣ ለሁለተኛ ጊዜ ጥሪ ይደረግለታል፡፡ ለሁለተኛው ቀጠሮ ጥሪ ደርሶት ከቀረ ግን ፍ/ቤቱ በሌለበት መዝገቡን መርምሮና የከላሽን ምስክር ስምቶ ውሳኔ ይሰጣል፡፡
- ፪) ከላሽም ተከላሽም የመጀመሪያውን ቀጠሮ ከቀሩ አንድ ሌላ ቀጠሮ ይያዝላቸዋል፡፡ የሁለተኛውን ቀጠሮ ከቀሩ ግን መዝገቡ ይዘጋል፡፡
- ፫) ጉዳዩ ለውሳኔ ያደረ ከሆነና ከላሽም ተከላሽም የቀሩ እንደሆነ ይሄው ተመዝግቦ ውሳኔ ይሰጣል እንጂ መዝገቡ አይዘጋም፡፡

- 4) Whether the suit is filed orally or in written it shall specify the value of the property or the amount of money involved; and if suing is a question of right which can not be expressed in terms of money, it shall be stated so.

26. Qualifications

- 1) A civil suit may be instituted by a person who has vested interest in the case or by a person or by the aggrieved party himself or his representative.
- 2) The term "representative" includes a licensed attorney at law who is a representative, person authorized to act for an organization, or a spouse, or the father, the brother, the sister or grand parents of the plaintiff or the defendant.

27. Summons

- 1) Where it is a civil suit a copy of the suit and summons shall be served on to the defendant seven days before the time set for hearing the case so that he can prepare his defense. This summon shall state briefly the name of the plaintiff and the defendant, time and place of the hearing and also the nature of the charge.
- 2) Any person or organ that has been summoned by the social courts shall have the duty to appear before them or shall send the evidences required by them.

28. Failure to Appear on the Date of Hearing

- 1) The court shall adjourn a civil case if the defendant fails to appear on the first day of hearing. If the defendant however, fails to appear on the next adjournment, the court may dispose the case exparte by hearing the evidences adduced by the plaintiff.
- 2) Where both the plaintiff and the defendant fails to appear on the first day of the hearing the court shall adjourn the case. If they fail to appear on the next adjournment the court may dismiss the case.
- 3) Where the case has matured for decision, and the plaintiff the defendant fails to appear on the date of hearing the court shall register this and dispose the case than dismissing it.

29. Galmee Banuuf Irra Deebi'anii Ilaaluu

- 1) Bu'uura Keewwata 28(2)tiin galmeen cufame banamuu kan danda'u himataan barreeffmaan iyyata yoo dhiyeeffateedha. Himataan beellama duraarraa kan hafes sababa gahaadhaan ta'uusaa manni murtichaa yoo hubate galmeen cufame ni banama. Haa ta'u malee, iyyanni akkasii gaafa galmeen cufame kaasee ji'a tokko keessatti yoo hin dhiyaanne fudhatama hin qabu.
- 2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin sababa gahaa jechuun dhukkubsatanii ciisuun, cidha mataasaafi kan fira dhiyoofi haalli humnaa ol ta'e bakka irraa bakkatti sosso'uu nama dhoorku ykn kan biraa kanaan wal fakkaatu hunda dabalata.
- 3) Bu'uura Keewwata kana Keewwata Xiqqaa 2 jalatti ibsameen fira dhiyoo jechuun, nama himataa wajjin sadarkaa firoomaa Labsii kana Keewwata 13(3) jalatti ibsame qabu jechuudha.

30. Himata Kaasuu

Murtiidhaan duratti sababa kamiinuu himataan himannaa isaa barreeffamaan kaasuu ni danda'a. Himanni haala kanaan ka'e irra deebi'amee hin ilaalamu.

31. Dhimma Aangoo Ala Ta'e

Manni Murtii Hawaasummaa Gandaa himanni dhiyaatef aangoo isaatii ala ta'uu akka hubateen galmee cufuu qaba.

32. Himata Dhagahuu

- 1) Himanni dhiyaatee falmiin yoo jalqabamu himataafi himatamaan ykn bakka bu'oonni isaanii dhiyaachuusaanii manni murtichaa mirkaneessuu qaba.
- 2) Himata dhiyaate himatamaan ykn bakka bu'aansaa yoo amane bu'uura amaneen murtiin ni kennama. Himatamaan yoo haale dursee ragaan himataa ni dhaga'ama.
- 3) Ragaan himataa bu'uura himannaatiin yoo hin ragaane himatamaan bilisaan gaggeeffama; himatamaarratti yoo ragga'e garuu ragaan ittisaan himatamaa ni dhaga'ama.

፳፱. መዝገብ ለመክፈት እንደገና ማየት

፩) በአንቀጽ ፳፰ ንዑስ አንቀጽ ፪ መሠረት የተዘጋ መዝገብ ሊከፈት የሚችለው ከላሽ በሚያቀርበው አቤቱታ ነው። ከላሽ ከመጀመሪያው ቀጠሮ የቀረው በቂ በሆነ ምክንያት መሆኑን ፍ/ቤቱ ከተገነዘበ የተዘጋው መዝገብ ይከፈታል። ይሁን እንጂ ይህ አይነቱ አቤቱታ መዝገቡ ከተዘጋበት ቀን ጀምሮ በአንድ ወር ውስጥ ካልቀረበ ተቀባይነት አይኖረውም።

፪) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ መሠረት በቂ ምክንያት ማለት ታሞ መተኛት፣ የራስንም ሆነ የቅርብ ዘመድ ጋብቻና ከቦታ ቦታ የማያንቀሳቀስ ከአቅም በላይ የሆነ ሁኔታ ወይም ሌላ ከዚህ ጋር የሚመሳሰል ሁኔታን ሁሉ ይጨምራል።

፫) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ መሠረት የቅርብ ዘመድ ማለት ከተከላሽ ጋር የዝምድና ደረጃው በዚህ አዋጅ አንቀጽ ፲፫(፫) ሥር የተጠቀሰው ያለው ማለት ነው።

፬. ከስ ማንሳት

ከላሽ የፍርድ ውሳኔ ከመሰጠቱ በፊት በማንኛውም ምክንያት ከሱን በጽሑፍ ማንሳት ይችላል። በዚህ መልኩ የተነሳ ከስ በማንኛውም ምክንያት እንደገና ሊታይ አይችልም።

፭. ከሥልጣን በላይ የሆነ ጉዳይ

የቀበሌ ማኅበራዊ ፍ/ቤት የቀረበለት ከስ ከስልጣኑ በላይ መሆኑን እንደተገነዘበ መዝገቡን መዝጋት አለበት።

፮. ከስ መስማት

፩) የቀረበ ከስ ከርከር ሊጀመር ከላሽና ተከላሽ ወይም ተወካዮቻቸው መቅረባቸውን ፍ/ቤቱ ማረጋገጥ አለበት።

፪) ለቀረበበት ከስ ተከላሽ ወይም ተወካዩ ካመነ ወዲያውኑ ውሳኔ ይሰጣል። ተከላሽ ከካደ የከላሽ ማስረጃ በቅድሚያ ይሰማል።

፫) የከላሽ ምስክር በክሉ መሠረት ካልመሰከረ ተከላሽ በነፃ ይሰናበታል። በቀረበው ከስ መሠረት ከመሰከረ ግን የተከላሽ የመከላከያ ማስረጃ ይሰማል።

29. Effect of Dismissal

- 1) A suit dismissed pursuant to Article 28(2) and of this proclamation may be reopened if the plaintiff so asks in writing and if he has sufficient cause for not to appearing on the first day of the hearing. However, if the application is not brought with in one month's time from the time when the suit has been dismissed shall be null and void.
- 2) Sufficient cause under Sub-Article 1 of this Article includes, taken to bed by an illness, wedding of one's own or that of a close relative, and a force majeure that hinders movement from place to place or any other similar factor.
- 3) A close relative under Sub-Article 2 of this Article shall mean those persons referred to under Article 13(3) of his Proclamation.

30. Withdrawal of a Case

The plaintiff, in writing and at any stage before decision may withdraw his case. However, the case withdrawn in this manner may not be a subject of suit for a second time.

31. Cases Failing Beyond Jurisdiction

The Social Court shall dismiss the case at any stage where it becomes aware that it has no jurisdiction over it.

32. Hearing of a Case

- 1) The court shall confirm appearance pf the plaintiff and the defendant or their representative before opening of the hearing.
- 2) If the defendant or his representative admits the claim the judgment shall be entered. If the defendant however, denies the charge, the court shall first hear the evidence of the plaintiff.
- 3) The court shall dismiss the suit if the witness on the part of the plaintiff fails to establish his case. If the witness established the case, however, the defense's evidence shall be heard.

33. Murtii

- 1) Dhimmichi murtiidhaaf kan dhaqqabe yoo ta'e yeroo gabaabaa keessatti murtiin kennamuu qaba.
- 2) Murtiin kan kennamu sagalee guutuudhaan ykn sagalee caalmaatiin ta'a. Sagalee caalmaatiin kan murta'e yoo ta'e abbaan seeraa yaadaan adda baye yaadasaa dhuma murtiirratti ni galmeessa.
- 3) Murticha keessatti qabxiiwwan falmiidhaan ka'aniifi ragaan dhaga'ame gabaabinaan ibsamani, ijoon falmichaas akkamitti akka murtaa'e, sababnisaa fi Keewwanni seeraa jalatti murtaa'e kaa'amuu qaban.
- 4) Gareen barbaade garagalcha murtichaa argachuuf mirga qaba.

34. Ol'iyannoo

- 1) Murtii Manni Murtii Hawaasummaa Gandaa kennerratti namni komii qabu Mana Murtii Aanaatti ol'iyannoo dhiyeffachuuf mirga ni qaba. Manni Murtii Aanaa, murtii Mana Murtii Hawaasummaa yoo mirkaneesse isa dhuma ta'a. Haa ta'u malee, murtii isa dhuma Manni Murtii Aanaa ykn Ol'aanaa kennerratti iyyannaan ijjibaataa Mana Murtii Waliigala Oromiyaatiif dhiyaachuu ni danda'a.
- 2) Gareen murtii Mana Murtii Hawaasummaarratti komii qabu gaafa murtichi kenname kaasee guyyaa kudhan keessatti galmeen garagalamee akka kennamuuf barreeffamaan gaafachuu qaba. Galmeen inni gaafatees guyyaa kudha shan keessatti garagalamee kannamuufii qaba. Ol'iyataan galmeen garagalamee gaafa kennameef irraa kaasee guyyaa soddoma (30) keessatti ol'iyatasaa dhiyeffachuu qaba.
- 3) Yeroon ol'iyannaa Keewwata kana Keewwata Xiqqaa 2 jalatti ibsame kan darbe sababa yeroon garaalchi galmee itti gaafatamu guyyaan 10 fi erga galmeen garagalamee kennameef booda guyyaan 15 kan darbe yoo ta'e ol'iyanni hin ilaalamu.
- 4) Haa ta'u malee, yeroon ol'iyannaa sababa gahaadhaan kan darbe yoo ta'e iyyannaa heyyamsiisaatiin Manni Murtii Aanaa akka dhiyaatu heyyamuu ni danda'a. Yeroon kan darbe sababa galmeen yeroodhaan garagalfamuu dhabeen yoo ta'e garuu, iyyanni heyyamsiisaa osoo hin barbaachisiin ol'iyanni ilaalamuu qaba.

፴፫. ፍርድ

- ፩) ጉዳዩ ለፍርድ የደረሰ ከሆነ በአጭር ጊዜ ውስጥ ውሳኔ መስጠት አለበት፡፡
- ፪) ፍርድ የሚሰጠው በሙሉ ወይም በአብላጫ ድምፅ ይሆናል፡፡ በአብላጫ ድምፅ የተወሰነ ከሆነ በሃሳብ የተለየው ዳኛ ሃሳቡን በውሳኔው መጨረሻ ማስፈር አለበት፡፡
- ፫) በፍርድ ውስጥ የተነሱ የመከራከርያ ነጥቦችና የተሰሙ ማስረጃዎች በአጭሩ ተጠቅሰው የክርክሩ ጭብጥ እንዲሁም የተወሰነበትን ምክንያትና ለውሳኔው መሠረት የሆነው የህግ አንቀጽ ባጭሩ መቀመጥ አለበት፡፡
- ፬) የፈለገ ወገን የውሳኔውን ግልባጭ የማግኘት መብት አለው፡፡

፴፬. ይግባኝ

- ፩) በቀበሌ ማኅበራዊ ፍ/ቤት በተሰጠ ውሳኔ ላይ ቅሬታ ያለው ወገን ለወረዳው ፍ/ቤት ይግባኝ ለማቅረብ ይችላል፡፡ የወረዳው ፍ/ቤት የማኅበራዊ ፍ/ቤቱን ውሳኔ ካፀደቀው የመጨረሻ ይሆናል፡፡ ይሁን እንጂ የወረዳው ወይም የከፍተኛው ፍ/ቤት በሚሰጡት የመጨረሻ ውሳኔዎች ላይ ለኦሮሚያ ጠቅላይ ፍ/ቤት ሰበር ለሚ ችሉት ይግባኝ ሊቀርብ ይችላል፡፡
- ፪) የቀበሌው ማኅበራዊ ፍ/ቤት በሰጠው ውሳኔ ላይ ቅሬታ ያለው ወገን ውሳኔው በተወሰነ በ፲ ቀን ውስጥ መዝገቡ ተገልብጦ እንዲሰጠው በፅሁፍ መጠየቅ አለበት፡፡ የጠየቀው መዝገብም ከጠየቀበት ቀን ጀምሮ በ፲፭ ቀናት ውስጥ ተገልብጦ ሊሰጠው ይገባል፡፡ ይግባኝ ባዩ መዝገቡ ተገልብጦ ከተሰጠበት ቀን ጀምሮ በ፲፭ ቀናት ውስጥ ይግባኙን ማቅረብ አለበት፡፡
- ፫) በዚህ አንቀጽ ንዑስ አንቀጽ ፪ የተጠቀሰው የይግባኝ ጊዜ ያለፈው መዝገቡ ተገልብጦ እንዲሰጠው ከጠየቀበት የ፲ ቀናት ጊዜ መዝገቡ ተገልብጦ ከተሰጠው ፲፭ ቀናት ካለፈ በኋላ ይግባኝ አይታይም፡፡
- ፬) ይሁን እንጂ የይግባኝ ጊዜ ያለፈው አጥጋቢ በሆነ ምክንያት ከሆነ በማስፈቀጃ አቤቱታ ወረዳ ፍርድ ቤት እንዲቀርብ መፍቀድ ይችላል፡፡ ጊዜው ያለፈው መዝገቡ በወቅቱ ተገልብጦ ባለመሰጠቱ ከሆነ ግን የአቤቱታ ጥያቄ ሳያስፈልግ ይግባኙ መታየት አለበት፡፡

33. Judgment

- 1) If the case has matured for decision, judgment shall forthwith be entered.
- 2) Decision shall be given unanimously or by the majority vote. If decision is made by majority vote, a judge who does not agree with the decision of the majority may record his dissenting opinion.
- 3) The judgment shall briefly specify the issues, the evidencem, the core point of the dispute, and also the reasoning of the court and the legal provisions under which the issues are disposed of.
- 4) Both parties has the right to take copies of the judgment.

34. Appeal

- 1) Appeal may lie from the decision of social courts to the district courts. If the district court confirms the judgment of the social courts shall be final. But a petition of accession may be brought to the supreme court of oromia from the final judgments of both district and high court.
- 2) A party who have a complaint on the decision of the Social Court shall in writing request a copy of the text of the file with in ten days from the date of judgment. The copy of the file shall be given within fifteen days from the time of his request. And the appellant shall file his appeal within fifteen days time from the date of his getting the copy of the file.
- 3) No appeal shall lie if the time fixed for appeal under article 34(2) expires due to failure of the appellant to request the copy of the text of the file (10 days) and /or due to his failure to ledge his appeal (15 days) after he has obtained the text.
- 4) However, the District Court up on petition for leave may allow appeal, if it is satisfied that the time for appeal elapsed with good reason. Where the time for appeal elapsed due to delay on the part of the social court by not giving the copy of the file on time, a petition of leave for appeal out of time is not necessary.

- 5) Sababa gahaa jechuun Labsii kana Keewwata 29(2) jalatti kan ibsaman keessaa isa tokkodha.

35. Raawwii

- 1) Murtiin Manni Murtii Hawaasummaa Gandaa kenne mana murtii ol' iyyata dhaggeeffatuun yoo dhorkame malee ni raawwatama.
- 2) Manni Murtii Hawaasummaa murtii kenne ofiisaatiin ni raawwachiisa; barbaachisaa ta'ee yoo arges Manni Murtii Hawaasummaa Gandaa kan biraa akka raawwachiisu bakka buusuu ni danda'a.
- 3) Namni dhimma hariiroo hawaasaatiin maallaqa akka kaffalu itti murtaa'e raawwachuuf fedhii yoo dhabe qabeenyisaa idaa isatti murtaa'e waliin wal gitu caalbaasiidhaan gurguramee ni raawwatama. Haa ta'u malee, qabeenyi jireenya abbaa idaa fi maatiisaa hanga baatii tokkotiif barbaachisaa ta'e, akkasumas, meeshaaleen hojii jireenya isaatiif barbaachisaa ta'an caalbaasiidhaan hin gurguraman.
- 4) Namni caalbaasicharratti gufuu ta'u kamiyyuu hanga caalbaasichi xumuramuutti mana hidhaa akka turu gochuun ni danda'ama. Hidhaan ajajamu guyyaa torba (7) caaluu hin qabu.
- 5) Murtiiwan hariiroo hawaasaa bifa biraatiin kennaman abbaan irratti murtaa'e raawwachuu utuu danda'u sababa gahaa hin taaneen raawwachuu yoo dide hanga guyyaa 7tti mana hidhaa akka turu ajajuun ni danda'ama.
- 6) Abbaan idaa dhimma raawwii hariiroo hawaasaatiin hidhame murticha raawwachuuf heyyamamaa yoo ta'e battalumatti hiikamuu qaba.
- 7) Haa ta'u malee, hidhaa itti murtaa'e yoo xumurellee idaa irratti murtaa'e hin hambisuuf.
- 8) Manni Murtii Hawaasummaa murtiisaa raawwachiisuuf hidhattoota gandaa ykn poolisii akka barbaachisaa ta'eetti ajajuu ni danda'a.

KUTAA SHAN

Tumaalee Adda Addaa

36. Ajaja Kabajuu Dhabuu

Ajaja Mana Murtii Hawaasummaa Gandaarraa kennamu namni ykn qaamni kamiyyuu hojiiirraa oolchuuf dirqama qaba.

- ፩) በቂ ምክንያት ማለት በዚህ አዋጅ በአንቀጽ ፳፱(፪) ስር ከተጠቀሰው አንዱ ማለት ነው፡፡

፱፫. አፈጻጸም

- ፩) የቀበሌ ማኅበራዊ ፍ/ቤት የሰጠው ውሳኔ በይግባኝ ሰሚ ፍ/ቤት ካልታገደ በቀር ተፈጻሚ ይሆናል፡፡
- ፪) የቀበሌ ማኅበራዊ ፍ/ቤት ለራሱ የሰጠውን ውሳኔ ራሱ ያስፈጽማል፡፡ አስፈላጊ ሆኖ ከተገኘ ሌላ የቀበሌ ማኅበራዊ ፍ/ቤት እንዲያስፈጽም መወከል ይችላል፡፡
- ፫) በፍትሐብሄር ጉዳይ በማኅበራዊ ፍ/ቤት ገንዘብ እንዲከፍል ተወስኖበት ለመክፈል ፈቃደኛ ካልሆነ ከገንዘቡ ጋር ተመጣኝ የሆነ ንብረት በጨረታ ተሽጦ ውሳኔው እንዲፈፀም ይደረጋል፡፡ ይሁን እንጂ ለወር የሚያስፈልጉ የባለ ዕዳውና የቤተሰቡ ንብረት እና ለዕለት ተዕለት ኑሮ የሚያስፈልጉ የሥራ መሣሪያዎች በጨረታ አይሸጡም፡፡
- ፬) ለጨረታው እንቅፋት የሚሆን ማንኛውም ሰው ጨረታው እስኪጠናቀቅ በእስር ቤት ማቆየት ይቻላል፡፡ ይሁን እንጂ የሚታዘዘው እስራት ከ፯ ቀናት መብለጥ የለበትም፡፡
- ፭) በሌላ መልክ የተሰጠ የፍትሐብሄር ውሳኔዎችን መፈፀም ሊችል በቂ ባልሆነ ምክንያት ለመፈፀም ፈቃደኛ ካልሆነ ለ፯ ቀናት እስር ቤት እንዲቆይ ሊያዝ ይችላል፡፡
- ፮) በፍትሐብሄር ጉዳይ የታሰረ ባለ ዕዳ ውሳኔውን ለመፈፀም ፈቃደኛ ከሆነ ወዲያውኑ ይፈታል፡፡
- ፯) ይሁን እንጂ የተወሰነበትን የአሥር ጊዜ ቢጨርስም ከዕዳው ነፃ ሊሆን አይችልም፡፡
- ፰) ማኅበራዊ ፍርድ ቤቱ ውሳኔውን ለማስፈፀም የቀበሌ ታጣቂዎችን ወይም እንደ አስፈላጊነቱ ፖሊስን ሊያዝ ይችላል፡፡

ክፍል አምስት

የተለያዩ ድንጋጌዎች

፱፭. ትዕዛዝን ማክበር

በቀበሌ ማኅበራዊ ፍ/ቤት የሚሰጠውን ትዕዛዝ ማንኛውም ሰው ወይም አካል የመፈፀም ግዴታ አለበት፡፡

- 5) Good reason shall mean any one of those conditions mentioned under article 29(2) of this Proclamation.

35. Execution

- 1) Unless the appellate court orders stay of execution, decision rendered by the Social Court shall be executed.
- 2) The Social Court shall itself cause the execution of its own decision. If it is necessary, authorize another Social Court for this purpose.
- 3) Where a judgment debtor in a civil suit is not willing to pay his debt, his property which is equivalent to the debt shall be sold by auction and the debt shall be paid from the proceeds there of provided. However, that the property of the debtor which is necessary to maintain him and his family for one month and the equipment which is necessary for his daily life shall not be sold by auction.
- 4) Any person who obstructs the auction shall remain under detention until the completion of the sale. However, the duration of the detention can not exceed seven (7) days.
- 5) The Social Courts can order that the debtor be detained up to seven(7) days where he fails with out good cause to execute a judgment.
- 6) Where a judgement debtor, who has been detained iswilling to execute the judgment shall be discharged automatically.
- 7) However, a debtor who has served his terms will not be relieved from his debt.
- 8) The Social Court, can order the local militia or the police, to execute its judgment as it thinks necessary.

PART FIVE

Miscellaneous Provisions

36. Court Contempt

Any person or organ is bound to execute the order of the Social Court.

37. Kasaaraa

Falmii dhimma hariiroo hawaasaarratti gareen moo'ame kasaaraa qarshii 50 (shantama) hin caalle garee moo'ateef akka kaffalu itti murtaa'uu ni danda'a.

38. Darbiinsa Yeroo

- 1) Dhimmoota hariiroo hawaasaarratti gaafa himannaa dhiyeessuun danda'amurraa kaasee waggaa tokko booda himanni dhiyaatu fudhatama hin qabu.
- 2) Bu'uura Keewwata kana Keewwata Xiqqaa 1 tiin himanni tokko fudhatama kan dhabu himatamaan falmiisaa keessatti yeroon himannaa dhiyeessuun itti danda'amu kan darbe ta'uu ibsuudhaan mormii yoo kaase qofaadha.

39. Waa'ee Galmee

Galmeen Mana Murtii Hawaasummaa Gandaa sirnaan gurmaa'uu qaba. Abbootiin seeraa sababa kamiiniyyuu aangoorraa yammuu bu'an galmeeffii qabeenya seeraan walitti dabarsuu qabu.

40. Gabaasa Dhiyeessuu

Manni Murtii Hawaasummaa Gandaa gabaasa hojiisaa ji'a sadii sadiin Mana Marii Gandaatiif ni dhiyeessa.

41. Dirqama Mana Marii Bulchiinsa Gandaa

Manni Marii Bulchiinsa Gandaa, Mana Murtii Hawaasummaa Gandaa gurmeessuu, gargaaruufi meeshaalee hojiidhaaf barbaachisan guutuuf dirqama qaba.

42. Gargaarsa Manni Murtii Waliigalaafi Biirron Haqaa Oromiyaa Kennan

Manni Murtii Waliigala Oromiyaafi Biirron Haqaa Oromiyaa hojiin Manneen Murtii Hawaasummaa Gandaa si'aayina akka qabaatu gochuuf barruulee, Labsiifi seerota adda addaa, akkumas ibsoota barbaachisaa ta'an qopheessanii ni tamsaasuu; leenjiiwwan ykn seeminaarotas ni kennu.

43. Seerota Raawwattiinsa Hin Qabaanne

Labsiin aangoo Manneen Murtii Hawaasummaa Gandaa Mootummaa Naannoo Oromiyaa Irra Deebi'anii Dhaabuufi Aangoosaanii Murteessuuf Bahe Lak. 66/1995 Labsii kanaan haqameera.

፴፯. ኪነራ

በፍትሐብሄር ክርክር ጉዳይ የተረታ ወገን ለረታው ወገን ከ፲ ብር የማይበልጥ ኪነራ እንዲከፍል ሊወሰንበት ይችላል።

፴፰. የይርጋ ጊዜ

- ፩) በፍትሐብሄር ጉዳይ ላይ ከሱን ማቅረብ ከሚቻልበት ጊዜ ጀምሮ ከአንድ ዓመት በኋላ አቤቱታ ማቅረብ አይችልም።
- ፪) በዚህ አንቀጽ ንዑስ አንቀጽ ፩ መሠረት ከሱ ውድቅ ሊሆን የሚችለው ተከላኸ ከሱ በይርጋ መታገዱን ገልጾ የተቃወመ እንደሆነ ነው።

፴፱. ስለ መዝገብ

የቀበሌ ማኅበራዊ ፍ/ቤት መዝገብ በስርአት ተደራጅቶ መያዝ አለበት። ዳኞች በማንኛውም መልኩ ከስልጣናቸው ሲለቁ መዝገብትና ሌሎች ንብረቶችንም ሕጋዊ በሆነ መልኩ ለተተኪው ማስረከብ አለባቸው።

፵. ሪፖርት ማቅረብ

የቀበሌ ማኅበራዊ ፍ/ቤት በየ፫ ወሩ ለቀበሌው ም/ቤት ሪፖርት ማቅረብ አለበት።

፵፩. የቀበሌው መስተዳድር ም/ቤት ግዴታዎች

የቀበሌው መስተዳድር ም/ቤት የቀበሌውን ማኅበራዊ ፍ/ቤት የማደራጀት፣ የመርዳትና ለስራ የሚያስፈልጉትን ቁሳቁሶች የማሟላት ግዴታ አለበት።

፵፪. የኦሮሚያ ጠቅላይ ፍ/ቤትን የኦሮሚያ ፍትህ ቢሮ ሊያደርጉት የሚገባቸው ድጋፍ

የኦሮሚያ ጠቅላይ ፍ/ቤትና የኦሮሚያ ፍትህ ቢሮ የቀበሌ ማኅበራዊ ፍ/ቤቶች ቀልጣፋ አገልግሎት ለመስጠት እንዲችሉ ፅሁፍችን፣ አዋጆችንና የተለያዩ ሕጎችን እንደዚህም አስፈላጊ መረጃዎች በማዘጋጀት ያስራጫሉ፤ ስልጠናዎችን ወይም ሰሚናሮችን ይሰጣሉ።

፵፫. ተፈጻሚነት የሌላቸው ሕጎች

- ፩) የኦሮሚያ ክልላዊ መንግሥት የቀበሌ ማኅበራዊ ፍ/ቤት እንደገና ለማቋቋምና ስልጣናቸውን ለመወሰን የወጣው አዋጅ ቁጥር ፳፮/፲፱፻፱ በዚህ አዋጅ ተሰርዟል።

37. Litigation Cost

The losing party on a dispute of a civil case may be forced to pay a litigation cost of not exceeding Birr fifty (50) for the other party.

38. Limitation

- 1) Civil matters shall be barred by limitation if not brought within one year.
- 2) The Social Courts shall reject the case due to limitation where the defendant pleaded stating the passing of the period of limitation under Sub-Article 1 of this Article.

39. Files

The Social Courts shall handle files properly. Any judge of Social Court shall transfer legally any files and equipments to the judge who replaced him.

40. Duty to Report

The Social Court, shall report its activities to the Kebele Council every three months.

41. Duty of the Kebele Administration Council

The Kebele Administration Council shall have the duty to organize, and assist the Social Courts and provide them with materials necessary for their function.

42. Assistance on the Part of the Supreme Court the Justice Bureau of Oromia

To make the Social Courts efficient, the Supreme Court and Justice Bureau of Oromia shall prepare and distribute bulletins and proclamations and othet laws, and also prepare and disseminate other necessary informatins; organize training and seminars.

43. Repealed Laws

- 1) The Proclamation to Reestablish and to Determine the Powers of Kebele Social Court of Oromia Regional state No. 66/2003 is here by repealed.

44. Powers to Issue Regulation and Directives

44. Aangoo Dambiifi Qajeelfama Baasuu

- 1) Labsii kana raawwachiisuuf Manni Maree Bulchiinsa Mootmmaa Naannoo Oromiyaa Dambii baasuu ni danda'a.
- 2) Manni Murtii Waliigalaafi Biirron Haqaa Oromiyaa Labsii kana raawwachiisuuf qajeelfama baasuu ni danda'u.

45. Yeroo Labsiin Kun Itti Ragga'u

Labsiin kun Adoolessa 21 bara 1999 irra eegalee kan ragga'e ta'a.

Finfinnee

Adoolessa 21 Bara 1999

Abbaaduulaa Gammadaa

Pireezidantii Bulchiinsa

Mootummaa Naannoo Oromiyaa

፵፬. ደንብና መመሪያ የማውጣት ስልጣን

- ሐ) ይህን አዋጅ ለማስፈጸም የኦሮሚያ ብሔራዊ ክልላዊ መንግሥት መስዳድር ምክር ቤት ደንብ ሊያወጣ ይችላል።
- ከ) የኦሮሚያ ጠቅላይ ፍ/ቤትና የኦሮሚያ ፍትህ ቢሮ ይህን አዋጅ ለማስፈጸም መመሪያ ሊያወጡ ይችላሉ።

፵፱. ይህ አዋጅ የሚፀናበት ጊዜ

ይህ አዋጅ ከሐምሌ ፳፩/፲፱፻፺፱ ጀምሮ የፀደቀ ይሆናል።

ፊንፊኔ፣ ሐምሌ ፳፩/፲፱፻፺፱ ዓ.ም

አባዱላ ገመዳ

የኦሮሚያ ብሔራዊ ክልላዊ መንግሥት
ኃፊ ዚጋገን

- 1) The National Regional State Administerative Council of Oromia an enact regulation for effective implementation of this Proclamation.
- 2) The Supreme Court and the Justice Bureau of Oromia can produce directives for the implementation of this Proclamation.

45. Effective Date

This Proclamation shall come in to force as of July 28,2007.

Finfine, July 28, 2007

Abadula Gameda

President

of the National Regional State of
Oromia