

# **Enforcement Law No. (23) of 2005**

**Chairman of PLO Executive Committee  
President of the Palestinian National Authority**

After having reviewed the amended Basic Law of 2003, as amended; and  
The Ottoman Procedure Law issued on the 15 Jamadi Al-Akher 1332 Hijri; and  
The Law on Reciprocal Enforcement of Judgments No. (22) of 1922; and  
The Principles of Reciprocal Enforcement of Judgments of 1926; and  
The Law on Judgments (Reciprocal Enforcement with Egypt) No. (16) of 1929; and  
The Palestinian Debtors' Imprisonment Law issued on 31 October 1931; and  
The Amended Procedure Law No. (38) of 1936; and  
The Temporary Ottoman Notary Law issued on 27 Thul-Qe'dah 1331 Hijri; and  
The Notaries Law (Foreign Documents) No. (31) of 1921, applicable in the Governorates of Gaza;  
and the Foreign Judgments Enforcement Law No. (8) of 1952; and  
The Jordanian Procedure Law No. (31) of 1952; and  
The Supplement to the Jordanian Procedure Law No. (25) of 1965; and  
The Jordanian Notaries Law No. (11) of 1952, applicable in the Governorates of West Bank; and  
The Draft Law submitted by the Council of Ministers; and  
Based on the approval of the Legislative Council in its session held on 23/11/2005; and  
In the name of the Palestinian Arab People,

We hereby promulgate the following Law:

## **PART ONE GENERAL PROVISIONS**

### **CHAPTER ONE Enforcement Department – Enforcement Judge**

#### **Article (1)**

1.
  - a. An office called the Enforcement Department shall be established at each Court of First Instance. It shall be headed by a judge titled Chief of Enforcement, whose degree shall not be less than that of a Court of First Instance Judge. The Chief of Enforcement shall be assisted by one or more judges, and the most senior among them shall act on their behalf in their absence. The Chief of Enforcement may delegate part of their powers and competences, as set forth in this Law, to the assisting judges.
  - b. In locations where there is no Court of First Instance, a Magistrate Judge shall exercise the powers of the Chief of Enforcement.
  - c. The Enforcement Officer shall carry out the enforcement procedures, assisted by a sufficient number of clerks, process servers, and attachment officers.

2. No enforcement action may be carried out before 7:00 a.m. or after 7:00 p.m., except in cases of necessity and with the permission of the Chief of Enforcement.

*This Article was amended pursuant to Article (3) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (2)**

1. All enforcement actions shall be carried out by the Enforcement Department under the supervision and direction of the Enforcement Judge, upon the request of an interested party accompanied by an enforceable instrument. The officials of the department shall promptly proceed with enforcement upon submission of the request, delivery of the enforceable instrument, and fulfillment of the enforcement requirements.
2. If the enforcement officer refrain from carrying out any enforcement procedure, the interested party may submit the matter by way of a petition to the Enforcement Judge.
3. The enforcement officer may take precautionary measures, and may, after consulting the Enforcement Judge, request the assistance of the police.
4. Any person who resists or assaults the enforcement officer, and any police officer who fails to perform their duty when requested to assist, shall be subject to the penalties prescribed in the applicable criminal laws.
5. The time limits stipulated in this Law shall be calculated in accordance with the method for calculating time limits as provided in the applicable rules of Civil and Commercial Procedure Law.

*Paragraph (5) of this Article was added pursuant to Article (4) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (3)**

1. The Chief of Enforcement and Enforcement Judges shall have jurisdiction to decide on all provisional disputes and objections arising during the enforcement process, including the imposition and lifting of attachment on the debtor's property, the sale of attached property, appointment of experts, detention of the debtor, travel ban, and authorization to use coercive force. The procedures before the Chief of Enforcement and the Enforcement Judges shall follow the applicable rules Civil and Commercial Procedure Law, unless otherwise provided in this Law.
2. The Chief of Enforcement shall have supervisory authority over all activities of the Enforcement Department, and all personnel must comply with their instructions and orders.

3. The Enforcement Officer shall be responsible for carrying out all procedures required to enforce enforceable instruments, as well as implementing the decisions and orders of the Chief of Enforcement.
4. Clerks shall be responsible for organizing the department's documentation, records, and any other duties assigned to them by the Chief of Enforcement or the Enforcement Officer.
5. Process servers shall be responsible for serving documents related to enforcement in accordance with the rules governing service of judicial papers, and for executing the orders of the Chief of Enforcement or the Enforcement Officer.
6. The Chief of Enforcement shall issue a written authorization to the Enforcement Officer, clerks, and attachment officers, empowering them to approach the police to facilitate the performance of their enforcement duties. Any person to whom such written authorization is presented must assist them in performing their duties, under penalty of legal liability.

*This Article was amended pursuant to Article (5) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (4)**

1. The competent Enforcement Department shall be the department located in the jurisdiction of the court that issued the judgment, or in the domicile of the judgment debtor, or the domicile of the judgment creditor, or the department in whose jurisdiction the enforceable instruments were created, or the department in whose jurisdiction the debtor's domicile or assets are located, or the department within whose jurisdiction payment was stipulated to occur.
2. If the enforcement process requires taking measures outside the jurisdiction of the competent department, the Chief of Enforcement may delegate the department within whose jurisdiction the measures will be carried out.
3. If multiple enforcement departments are competent to enforce the same enforceable instrument, jurisdiction shall lie with the department to which the enforcement application was submitted first.

*This Article was amended pursuant to Article (6) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (5)**

1. The Chief of Enforcement and Enforcement Judges shall decide on all enforcement petitions through a review of the documents (in chambers), unless they deem it necessary to summon the parties to a hearing. Any affected person may file a written objection to any decision within seven (7) days from the date of its notification. If the Chief of Enforcement or the Enforcement Judge finds the objection to be meritorious, they may cancel or amend the challenged decision as deemed appropriate.

2. The decisions of the Chief of Enforcement or the Enforcement Judge shall be subject to appeal before the Court of First Instance in its appellate capacity within seven (7) days from the date of pronouncement or notification, if the decision concerns any of the following matters:
  - a. The jurisdiction of the Enforcement Department to enforce a given enforceable instrument or its enforceability.
  - b. Whether the attached assets are subject to seizure or sale.
  - c. The right of any third party to participate or not participate in the attachment.
  - d. Priority rights among creditors.
  - e. Postponement, delay, or suspension of the enforcement procedure.
  - f. Detention of the judgment debtor, refusal to detain, or deferral of detention.
  - g. A decision issued pursuant to any of Articles (47), (132), or (156) of this Law.
  - h. Revocation by the Chief of Enforcement or the Enforcement Judge of any previously issued decision.
  - i. Travel ban.
  - j. A final referral decision concerning immovable property.
  - k. A decision issued in response to an objection submitted by a person who is not a party to the enforcement case.
3. The Court of First Instance in its appellate capacity shall decide on the appeal in chambers within fourteen (14) days from the date the appeal is submitted to its registry. Its decision shall be final.
4. If the appellate court finds that the appeal is procedurally inadmissible for any reason, it may suffice with recording the ruling directly on the appeal form, including the grounds and outcome of the appeal.
5. If an inadmissible appeal is filed, or if an appeal is filed against a decision that has already been affirmed by the appellate court, the Chief of Enforcement may refrain from transmitting the enforcement file in either of these cases to the Court of First Instance in its appellate capacity. Such appeal shall not suspend the enforcement procedures.
6. The appeal shall suspend enforcement, except in the case of an appeal against a detention order, which shall not suspend enforcement unless the judgment debtor attaches to the appeal a guarantee issued by a solvent guarantor approved by the Chief of Enforcement to secure payment.
7. To be admissible, the appellant must deposit in the court's treasury an amount of fifty Jordanian dinars (JOD 50) or its equivalent in legally circulated currency for cases with a value not exceeding ten thousand Jordanian dinars (JOD 10,000), and one hundred Jordanian dinars (JOD 100) or its equivalent for cases exceeding that value. The amount shall be refunded to the appellant if the appeal is successful; otherwise, the court may order its confiscation in favor of the public treasury.

*This Article was amended pursuant to Article (7) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

### **Article (6)**

1. A special register shall be maintained at the Enforcement Department, in which enforcement petitions shall be recorded in the order in which they are received. The register shall include information related to the enforceable instrument, including its date, issuing authority, and content, as well as details regarding the applicant for enforcement, the judgment debtor, and the assets subject to enforcement.
2. A separate file shall be opened for each enforcement petition, in which all related documents shall be deposited. The file shall be submitted to the Enforcement Judge before and after each procedure, and all orders, decisions, and judgments issued by the judge shall be recorded therein.

### **Article (7)**

1. The enforcement petition shall be submitted by the right-holder named in the enforceable instrument or by a duly authorized representative, through the approved means—either in paper form or electronically—and shall include the name, surname, and domicile of the creditor, accompanied by the enforceable instrument. No enforcement petition exceeding the value of ten thousand Jordanian dinars (JOD 10,000) or its equivalent in legally circulated currency, or any enforcement petition of non-determined value, shall be accepted unless submitted through a licensed practicing attorney.
2.
  - a. Enforcement petitions and enforcement lawsuits may be registered, and fees may be paid, and petitions, documents, notifications, correspondence, and judicial delegations may be processed through electronic means.
  - b. The High Judicial Council shall issue the necessary instructions for the implementation of subparagraph (a) of this paragraph.
3. The Public Prosecution shall follow up on enforcement proceedings involving government departments.
4. Electronic notifications, including text messages, shall be adopted in enforcement proceedings.

*This Article was amended pursuant to Article (8) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

## **CHAPTER TWO**

### **The Enforceable Instrument and Related Provisions**

#### **Article (8)**

Enforcement shall not be carried out except on the basis of an enforceable instrument that serves to recover a right that is established in existence, determined in amount, and due for performance. Enforceable instruments include the following:

1. Judgments issued by regular and religious courts, provided that their enforcement jurisdiction does not conflict with any other applicable law; criminal court judgments related to personal and civil rights; administrative court judgments related to personal obligations; and judgments or decisions issued by any court, provided that the Enforcement Department is responsible for their enforcement, as well as any foreign judgments enforceable under applicable legislation.
2. Official instruments (authenticated legal documents).
3. Private instruments (unofficial written documents).
4. Instruments that are granted the status of an enforceable instrument under the law.

*This Article was amended pursuant to Article (9) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (9)**

1. Enforcement must be preceded by serving the debtor with a copy of the enforceable instrument, by means of a notification paper signed by the Enforcement Officer and stamped with the seal of the Enforcement Department.
2. The notification paper shall include, in addition to a copy of the enforceable instrument, the names, domiciles, and places of residence of the parties, and shall include an order to the debtor to fulfill their obligation within fourteen (14) days from the date of notification. However, if the enforceable instrument concerns the delivery of items at risk of damage or loss, the time limit shall be one (1) day only.
3. The Enforcement Department may not commence coercive enforcement procedures until the expiry of the time limits specified in paragraph (2) of this Article, unless the debtor voluntarily complies with enforcement. Nevertheless, the Chief of Enforcement or the Enforcement Judge may impose a precautionary attachment on the movable or immovable property of the debtor if the enforceable instrument relates to a certain, due, and unconditional debt, whether the assets are in the possession of the debtor or a third party. However, the execution attachment procedures may only take place after the expiration of the time limits provided in paragraph (2) of this Article, notification of the debtor of the precautionary attachment, and the lapse of fourteen (14) days from the day following the date on which the debtor is notified.

*Paragraphs (2) and (3) of this Article were amended pursuant to Article (10) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (10)**

1. If the residence of the debtor named in the enforceable instrument is unknown, they shall be notified in accordance with the notification procedures stipulated in the applicable rules of the Civil and Commercial Procedure Law.

2. The notification paper shall include, in addition to the information specified in Article (9), a summons for the debtor to appear before the Enforcement Department within two weeks. If the debtor does not appear within the specified period, the Enforcement Department shall proceed with the enforcement procedures.
3. If the debtor fails to appear before the department within the specified period, they shall be deemed to have refused to comply, and the Enforcement Department shall initiate coercive enforcement procedures.
4. Attachment may be imposed on the movable and immovable property of the debtor during the notification period; however, no sale may be conducted before the expiration of this period, unless the property is at risk of damage or loss, taking into account the time limits, procedures, and rules prescribed by law.

*Paragraph (1) of this Article was amended pursuant to Article (11) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (11)**

1. If, during the enforcement procedures, the debtor offers to pay the debt, the Enforcement Department shall accept the payment and issue a receipt, without the need for any special authorization.
2. The provisions of paragraph (1) above shall also apply in the case of partial payment, provided that the department shall continue enforcement procedures to collect the remaining debt.
3. Payment by cheques, drafts, or bank instruments shall not be accepted unless such instruments are payable on demand.

#### **Article (12)**

1. Any person who, by law or by agreement, has succeeded the creditor in their right shall also succeed them in the enforcement procedures already initiated.
2. The provision in paragraph (1) above shall apply to all cases in which a barrier arises that prevents the creditor from continuing to pursue enforcement procedures, such as absence, loss of legal capacity, or termination of the legal status of the creditor's representative.

#### **Article (13)**

1. Enforcement shall be directed against the debtor in the form of performance specified in the enforceable instrument, and enforcement procedures shall be carried out against such debtor in accordance with the law. If the debtor lacks legal capacity, enforcement shall proceed against the person who legally represents them.
2. If the debtor is a legal person, enforcement procedures shall be conducted against the person legally authorized to represent them.

#### **Article (14)**

1. If the debtor loses legal capacity or dies, enforcement shall proceed against the person who legally replaces them, or against their heirs, after ten (10) days from the date of notification of the enforcement documents.
2. The debtor's heirs may be notified collectively at the last domicile of their deceased relative, without the need to specify their names or legal capacities.
3. Enforcement shall be limited to the value of the assets left by the deceased.

#### **Article (15)**

1. If the heirs deny having received all or part of the estate, and the creditor is unable to prove otherwise by means of official documents, the creditor shall be required to prove the existence of the estate in the hands of the heirs through an original lawsuit.
2. When enforcing a judgment in favor of the estate, each heir shall receive only their share, upon proving their legal status and inherited portion.

*This Article was amended pursuant to Article (12) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (16)**

A third party may not voluntarily perform the obligation required by the enforceable instrument, nor may they be compelled to do so, unless the debtor is notified of the intent to enforce at least fourteen (14) days in advance.

*This Article was amended pursuant to Article (13) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (17)**

Before a ruling is issued in urgent matters, or in cases where delay would cause harm to the creditor, the court may (upon a written request by the creditor) order the enforcement of the judgment based on its draft version, without serving it on the debtor. In such case, the court clerk shall deliver the draft to the Enforcement Department, which must return it immediately upon completion of the enforcement.

#### **Article (18)**

1. If a judgment is issued that cancels, annuls, revokes, or rescinds the enforceable instrument by any legal means, all enforcement actions taken on the basis of that instrument shall be reversed, and the situation shall be restored to its previous state.
2. Pursuant to paragraph (1) above, the party against whom enforcement was carried out shall have the right to recover the property enforced upon, including its proceeds and related costs, without the need for a new court judgment. If the cancellation is partial, restitution shall be limited to the portion affected by the cancellation.



3. The person entitled to restitution may claim compensation from the creditor for any damages suffered due to the wrongful enforcement, if justified.

## **CHAPTER THREE**

### **Enforcement of Enforceable Instruments**

#### **Section One**

#### **Enforcement of Judgments, Decisions, and Court Orders**

#### **(Ordinary and Urgent Enforcement)**

##### **Article (19)**

1. Coercive enforcement of judicial judgments, decisions, court orders, and arbitral awards (after ratification by the competent court) may not be carried out as long as they remain subject to appeal, unless urgent enforcement is provided for by law or expressly ordered in the judgment or court decision.
2. Nonetheless, precautionary and provisional measures may still be taken on the basis of such rulings.

##### **Article (20)**

Urgent enforcement shall be compulsory by operation of law for judgments issued in urgent matters, regardless of the court that issued them, unless the judgment requires the furnishing of a guarantee.

##### **Article (21)**

Urgent enforcement without a guarantee shall be compulsory by operation of law for judgments concerning the delivery or visitation of a child, or custody, nursing, or housing allowances for the wife, or alimony for a divorced woman, children, or parents.

##### **Article (22)**

Urgent enforcement shall be compulsory by operation of law for judgments issued in commercial matters, provided that a guarantee is submitted.

##### **Article (23)**

The court may, upon the request of an interested party, order that its judgment be urgently enforceable, with or without a guarantee, if it finds that the claimant's right is likely valid and that delaying enforcement may cause serious harm to their interests.

##### **Article (24)**

1. In cases where provisional enforcement may not proceed without a guarantee, the court shall determine the type and amount of the guarantee, taking into consideration its sufficiency to reverse the effects of the urgent enforcement and restore the original status quo if it is later determined that the enforcement was unjustified and the judgment is overturned on appeal.

2. In such cases, urgent enforcement shall not commence until the required guarantee has been submitted.

#### **Article (25)**

1. If the guarantee required by the judgment obliges the judgment creditor to provide a solvent guarantor, the guarantor shall be bound to execute the guarantee. The record containing the guarantee shall constitute an enforceable instrument against the guarantor.
2. If the guarantee consists of delivering the item ordered by the judgment to a qualified custodian, the custodian shall file with the court registry a written undertaking accepting the custodianship and committing to its obligations.

#### **Article (26)**

1. The appellate court may, upon the request of the judgment debtor, order a stay of urgent enforcement if there is a risk of serious harm resulting from the enforcement, subject to such conditions as the court deems sufficient to safeguard the rights of the judgment creditor.
2. The court may condition the enforcement on the submission of a guarantee, if none was submitted before the court of first instance.
3. When ordering a stay of enforcement, the court may require the furnishing of a guarantee or order any other measure it deems sufficient to protect the creditor's right.

### **Section Two**

#### **Enforcement of Official Instruments, Private Instruments, and Commercial Papers**

#### **Article (27)**

A creditor of a monetary debt—provided that the debt is due, determined in amount, and established in writing by means of a private instrument, a notarized instrument, or a negotiable commercial paper—may apply to the Enforcement Department to recover the debt, by submitting a request accompanied by the original debt instrument.

#### **Article (28)**

Repealed.

*This Article was repealed pursuant to Article (14) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (29)**

Prescription shall be interrupted by submitting the enforcement petition and depositing the debt instrument with the Enforcement Department.

### **Article (30)**

1. The Enforcement Department shall notify the debtor by means of a notification paper signed by the Enforcement Officer and stamped with the department's seal, accompanied by a copy of the instrument to be enforced.
2. The notification paper shall include a warning to the debtor to either pay the debt or submit any objections within fourteen (14) days from the date of notification, with a notice that the department will proceed with enforcement if this period passes without payment or objection.

Paragraph (2) of this Article was amended pursuant to Article (15) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.

### **Article (31)**

Repealed.

This Article was repealed pursuant to Article (16) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.

### **Article (32)**

1. With respect to the enforcement of instruments referred to in paragraphs (2) and (3) of Article (8) of this Law, the following shall apply:
  - a. The debtor may, after being notified of the payment demand, object to all or part of the debt within fourteen (14) days from the date of notification.
  - b. Enforcement shall proceed if no objection is submitted within the prescribed time limit.
  - c. If the debtor acknowledges the debt, in whole or in part, such acknowledgment shall be recorded in the enforcement report, and the department shall enforce the acknowledged amount.
  - d. If the debtor objects to the debt enforceable by private instrument, in whole or in part, enforcement shall be suspended, and the creditor shall be required to file a lawsuit before the competent court to prove the disputed portion. If the objection is found to be unfounded, the court shall order the debtor to pay a fine equal to one-fifth (1/5) of the disputed debt amount, to be deposited entirely into the public treasury, and enforcement shall resume from the point where it was suspended.
  - e. In all cases, if the creditor collects the debt, in whole or in part, under the procedures set forth in this Article, the debtor shall retain the right to file a substantive claim to recover any amounts collected without legal entitlement.
2. In addition to paragraph (1) above, the following shall apply with respect to the enforcement of instruments referred to in paragraph (2) of Article (8) of this Law:
  - a. The creditor may request the department to collect the debt from the guarantors.
  - b. The debtor may object to the debt by alleging forgery of the official instrument or claiming full or partial payment. The debtor must file a lawsuit before the competent court to prove the validity of their claim. Enforcement shall not be suspended unless the competent court

issues a decision to that effect, and only to the extent of the objection. The lawsuit shall be filed through expedited procedures in accordance with the applicable rules of the Civil and Commercial Procedure Law, and no prior notification shall be required.

3. In addition to paragraph (1) above, the following shall apply with respect to the enforcement of instruments referred to in paragraph (3) of Article (8) of this Law:
  - a. The creditor may request the department to collect the debt from endorsers and guarantors.
  - b. The debtor may object to the debt by denying the signature, alleging forgery, or claiming full or partial payment.
  - c. If the disputed debt is evidenced by an official instrument or a negotiable commercial paper, the objection shall not affect enforcement, which shall proceed unless the court seized of the case issues a stay of enforcement.
  - d. If the denial of signature or allegation of forgery concerns other instruments referred to in paragraph (3) of Article (8) of this Law, the enforcement procedure shall be suspended, and the creditor shall be required to file a lawsuit before the competent court to prove the authenticity of the disputed instrument. The lawsuit shall be processed using expedited procedures in accordance with the applicable rules of the Civil and Commercial Procedure Law, and no prior notification shall be required.

*This Article was amended pursuant to Article (17) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

### **Article (33)**

Repealed.

*This Article was repealed pursuant to Article (18) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

### **Article (34)**

1. Repealed.
2. The Enforcement Judge may accept an objection filed after the deadline if the delay is proven to be due to a valid excuse. In such case, the rules set forth in the preceding Articles shall apply.

*Paragraph (1) of this Article was repealed pursuant to Article (19) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

### **Article (35)**

If a judgment is issued establishing that the debt is not proven, all enforcement procedures taken to collect such debt shall be revoked. The judgment shall serve as an enforceable instrument for restoring the situation to its pre-enforcement status. The party in whose favor the judgment is issued shall also have the right to file a claim for compensation for any damages incurred as a result of enforcement actions taken against them without legal justification.

### **Section Three**

## **Enforcement of Foreign Judgments, Decisions, Orders, and Official Instruments**

#### **Article (36)**

1. Judgments, decisions, and orders issued in a foreign country may be ordered for enforcement in Palestine under the same conditions prescribed in that foreign country for the enforcement of Palestinian judgments, decisions, and orders, provided that they do not conflict with Palestinian laws or harm the supreme national interest.
2. A request for the enforcement of foreign judgments, decisions, or orders shall be made by filing a lawsuit before the Court of First Instance within whose jurisdiction enforcement is sought, and such foreign rulings must be duly certified by the competent authorities accordingly.

#### **Article (37)**

Enforcement may not be ordered unless the following conditions are verified:

1. That the courts of the State of Palestine do not have exclusive jurisdiction over the dispute in which the foreign judgment, decision, or order was issued, and that the foreign court had jurisdiction according to the rules of international jurisdiction under its own law.
2. That the judgment, decision, or order has acquired the force of *res judicata* under the law of the court that issued it.
3. That the judgment, decision, or order does not conflict with any previous judgment, decision, or order issued by a Palestinian court, and does not contain anything contrary to public order or public morals in Palestine.

#### **Article (38)**

The provisions of Articles (36) and (37) shall apply to arbitral awards issued in a foreign country, provided that the award concerns a matter that is arbitrable under the provisions of the applicable Palestinian Arbitration Law.

#### **Article (39)**

1. Enforceable official instruments drawn up in a foreign country may be ordered for enforcement under the same conditions prescribed in the law of that country for the enforcement of official instruments drawn up in Palestine.
2. The request for enforcement shall be submitted to the President of the Court of First Instance within whose jurisdiction enforcement is sought.
3. Enforcement may not be ordered unless it is verified that the instrument satisfies the necessary conditions, such as its official nature, enforceability under the law of the country in which it was issued, and its compliance with public order and morals in Palestine.

## **CHAPTER FOUR**

### **Subject Matter of Enforcement**

#### **Article (40)**

1. Enforcement may only be directed against the assets of the debtor, and only within the limits prescribed by law.
2. All assets of the debtor constitute a guarantee for the satisfaction of their debts, and all creditors shall be equal in priority to such guarantee, except for those who have a legal right of preference.

#### **Article (41)**

Enforcement shall begin with the debtor's liquid cash and receivables from third parties. If these are insufficient, seizure shall be executed on the debtor's movable and immovable property.

#### **Article (42)**

1. At any stage prior to the sale of attached property, it shall be permissible to deposit a sum of money equal to the debts for which the attachment was made, along with the costs. This sum shall be allocated exclusively for their payment. Such deposit shall result in the lifting of the attachment from the seized property, which shall then transfer to the deposited amount.
2. If new attachments are made on the deposited amount afterward, they shall have no effect on the rights of those for whom the deposit was initially allocated.

#### **Article (43)**

1. If the debt's value for which the attachment was imposed is less than the value of the attached assets, the debtor may request the Enforcement Judge to issue an urgent ruling limiting the attachment to part of those assets. This request shall be filed through a summons procedure involving all creditor (attaching party), and the decision shall be final and not subject to appeal.
2. In such case, the creditor (attaching party) shall have priority in recovering their claims from the assets to which the attachment was limited.

#### **Article (44)**

1. No attachment or other enforcement procedure may be taken against public property, whether movable or immovable, belonging to the State, public legal entities, local authorities, or religious endowments allocated for the performance of their functions.
2. Public property includes all State-owned assets that are designated for public use, whether in practice or pursuant to a law, decree, or decision of the Council of Ministers.

#### **Arabic (45)**

No attachment or other enforcement procedure may be taken against facilities, equipment, and supplies designated for the operation of public utilities or for the provision of public services to the population.

#### **Article (46)**

Bills of exchange, cheques, and promissory notes may not be attached unless they have been protested for non-payment, or the holder has been declared bankrupt, or they have become otherwise non-transferable.

#### **Article (47)**

1. No attachment may be made against items essential for the debtor and their dependents residing with them, including bedding, clothing, and basic household necessities, such as cooking utensils, hygiene and food storage equipment, as well as food sufficient for one month.
2. The debtor's owner-occupied residence and the land they own shall not be subject to attachment to the extent necessary for the subsistence of the debtor and their family, unless the house or land is the cause of the debt.
3. The determination of what constitutes "necessity" in the above cases shall be left to the discretion of the Enforcement Judge.

#### **Article (48)**

The following items may only be attached to recover their purchase price, maintenance expenses, or a court-ordered support obligation:

1. Books, tools, and equipment necessary for the debtor to personally carry out their profession or craft.
2. Female livestock necessary for the livelihood of the debtor and their family, along with feed sufficient for one agricultural season.
3. Equipment, machinery, and livestock necessary for the debtor to cultivate their land, if they are a farmer, along with feed sufficient for one agricultural season.
4. The seeds and fertilizers necessary for the debtor to plant the land they usually cultivate, for one agricultural season.

#### **Article (49)**

No attachment may be made against sums awarded by court temporarily or permanently for alimony or allocated for a specific purpose, nor against property donated or bequeathed for alimony, except up to one-quarter of such funds to satisfy a court-ordered alimony debt.

#### **Article (50)**

Property donated or bequeathed with a condition prohibiting attachment shall not be subject to enforcement by creditors of the beneficiary whose debts arose prior to the donation or bequest, except to satisfy a court-ordered alimony debt, and only up to one-quarter of the value.

#### **Article (51)**

No attachment may be imposed on wages, salaries, bonuses, or their supplements—including allowances, benefits, pensions, or substitute entitlements (in accordance with the General Retirement Law); except up to one-quarter. In the case of competing debts, court-ordered alimony debts shall have priority in satisfaction.

#### **Article (52)**

1. The official responsible for disbursing wages, salaries, bonuses, or similar entitlements (in their capacity as a third party) must notify the Enforcement Department within one week from being notified of the attachment, confirming execution of the attachment and specifying the portion of the salary allocated to the debtor. The official must also inform the department of any changes in the debtor's employment or salary.
2. If the official fails to withhold the amount required by law, or withholds less than the required amount, the Enforcement Department may collect the shortfall directly from the official's salary or other assets, without the need for a court judgment, and the official shall retain the right to recover the amount from the debtor.

#### **Article (53)**

1. Author's rights may not be attached. However, up to one-half may be attached from copies of the published work or from their price held by third parties.
2. Unpublished works may not be attached after the death of their author, unless it is conclusively proven that the author intended to publish them.

#### **Article (54)**

The following items may not be independently attached or sold apart from the immovable property to which they are connected; they may only be attached and sold together with it:

1. Movable connected to immovable property, fixed therein and allocated for its service or exploitation, provided they are used as designated.
2. Beehives, equipment, tools, livestock, and other items necessary for the operation of farms and factories.
3. Real securities and easements.

#### **Article (55)**

The creditor must pay in advance all necessary fees and expenses required to initiate enforcement proceedings, which shall later be collected from the debtor.

#### **Article (56)**

Judges and public officials who have handled enforcement procedures, participated in them, or reviewed any related matters in any capacity, are prohibited from bidding in auctions—either directly or indirectly. Any sale in violation of this rule shall be void.



### **Article (57)**

Advocates who have handled enforcement procedures on behalf of their clients, whether for the creditor or the debtor, are prohibited from bidding in auctions either directly or indirectly. Any sale in violation of this rule shall be void.

## **CHAPTER FIVE**

### **Enforcement Disputes and Objections**

### **Article (58)**

1. Enforcement disputes refer to objections related specifically to the execution process itself, without addressing the substance of the right being enforced. These disputes are adjudicated by the Enforcement Judge as provided by law, and the ruling determines whether the enforcement is permissible or impermissible, valid or invalid.
2. The Enforcement Judge shall decide urgent enforcement disputes in their capacity as an urgent matters judge. Filing such a dispute shall result in the suspension of the enforcement procedures to which the dispute pertains until it is resolved. If the dispute is filed by someone other than the debtor, the debtor named in the enforceable instrument must be joined as a party. If they are not joined, the judge shall order the claimant to include them within a specified period. Failure to comply may result in the inadmissibility of the claim.
3. Urgent enforcement disputes must be adjudicated in the first scheduled hearing. If a postponement is warranted, the judge shall decide—based on the circumstances—whether to continue suspending enforcement, or proceed with enforcement with or without a guarantee. In all cases, the dispute must be resolved within a maximum of two months from the date it was filed.
4. Filing any other urgent lawsuit shall not suspend enforcement unless the Enforcement Judge orders such suspension.
5. The provision of paragraph (4) shall not apply to the first urgent enforcement dispute filed by the debtor under the enforceable instrument if the debtor was not joined in a prior dispute.

### **Article (59)**

If the urgent enforcement dispute is struck off due to absence of the parties, or if the court rules to invalidate the proceedings, dismiss the claim, or issues any ruling that ends the case without deciding on the merits, the suspensive effect of the enforcement dispute shall cease.

### **Article (60)**

If the claimant loses the urgent enforcement dispute, the Enforcement Judge may order them to pay court fees, expenses, and advocate's fees.

### **Article (61)**

1. An urgent enforcement dispute may be initiated at the time of enforcement by filing a summary objection requesting a temporary measure, such as the suspension of an urgent procedure. In

this case, the enforcement officer shall either suspend the enforcement or proceed with it cautiously without completing it, and in both cases summon the parties to appear before the Enforcement Judge, even within an hour, or at the judge's residence if necessary. Proof of this summons in the enforcement report shall suffice for purposes of validating the request.

2. The enforcement officer shall prepare copies of the report equal to the number of parties, along with a copy for the Enforcement Department, attaching the enforcement documents and any materials submitted by the applicant. The registry of the Enforcement Department must record the request on the day it receives the copy in the relevant register.
3. The request shall be governed by all the rules set forth in the previous Articles concerning urgent enforcement disputes.

#### **Article (62)**

A tender of payment shall not suspend enforcement if the validity of the tender is disputed, unless the Enforcement Judge orders a temporary suspension of enforcement, subject to the deposit of the tendered amount or such amount as the judge deems appropriate.

## **PART TWO METHODS AND PROCEDURES OF ENFORCEMENT**

### **CHAPTER ONE Direct Enforcement**

#### **Article (63)**

Obligations whose subject matter is not a monetary amount may not be coercively enforced unless such enforcement is legally permissible.

#### **Article (64)**

1. If the debtor named in the enforceable instrument fails to comply voluntarily and does not deliver the specified item required for delivery, and the item is not visible or identifiable, and the debtor fails to present sufficient evidence proving its damage, destruction, or loss, the debtor may be detained in accordance with the detention procedures set forth in this Law.
2. The provision of paragraph (1) above shall not apply if the failure to deliver is due to a cause beyond the debtor's control.

#### **Article (65)**

1. In the case of an obligation to perform a specific act, if the debtor refuses to carry it out, the Enforcement Department shall execute the act at the debtor's expense. If the creditor refuses to pay the advance, the Enforcement Department shall assess the costs through experts appointed for that purpose, and shall recover them from the debtor by seizing and selling the debtor's assets in accordance with the provisions of the law.

2. The creditor shall advance the costs of performing the required act if the nature of the obligation permits this. These costs shall then be recovered from the debtor after enforcement and reimbursed to the creditor.

#### **Article (66)**

If the debtor breaches an obligation to refrain from a specific act, as provided in an enforceable instrument against them, and refuses to remove what was done in violation of the obligation, the Enforcement Department shall carry out the removal at the debtor's expense. The provisions of Article (65) shall apply to the removal costs.

#### **Article (67)**

A change in possession that occurs after judgment shall have no effect on enforcement proceedings. The property subject to the enforceable instrument shall be vacated and recovered regardless of who is in possession. If individuals other than the judgment debtor are found residing in the property and claim that their occupancy is not derived from the debtor—whether by loan or lease—and they present documents proving their independent right of residence, they shall be granted a reasonable period during which enforcement shall be suspended, allowing them to petition the competent court for a decision. The enforcement shall then proceed in accordance with the said court's ruling.

#### **Article (68)**

If, after vacating a property, items belonging to the judgment debtor are left inside and they refuse to retrieve them, and maintaining the items would incur costs, the debtor shall be notified in accordance with legal procedures to collect the items within a specified period. If the debtor fails to do so, the items shall be sold by public auction, and the costs of preservation and auction shall be deducted from the proceeds before anything else. The remaining balance shall be held in trust for the debtor.

#### **Article (69)**

If the Enforcement Department evacuates a property and delivers it to the creditor, and the judgment debtor reoccupies the property without a lawful reason—such as reacquisition under a new agreement with the creditor, inheritance, or any other legal cause—the Enforcement Department shall resume enforcement procedures, and the debtor shall be subject to penalties under the Penal Code.

## **CHAPTER TWO**

### **Enforcement by Attachment**

#### **Section One**

#### **Attachment of the Debtor's Assets Held by a Third Party**

#### **Article (70)**

1. Any creditor holding an enforceable instrument may request the Enforcement Department to attach monies, assets, or debts owed to their debtor that are held by a third party.

2. The attachment shall extend to any debt that arises in the third party's liability to the debtor up to the time of the declaration of what is owed, unless the attachment was imposed on a specific debt.

#### **Article (71)**

1. The rental proceeds of the debtor's movable and immovable property may be attached, as may their wages or fees earned from private employment or services, provided that no more than one-quarter may be attached.
2. A claim by the tenant that rent has been paid shall not be accepted if payment was made in violation of the terms of the certified lease contract or contrary to local customs and practices, unless the payment is independently proven.

#### **Article (72)**

1. When the assets to be attached are held by a third party, the attachment shall be executed by serving a notice of attachment directly on that party, signed by the Enforcement Officer, and it shall include the following details:
  - a. A copy of the enforceable instrument under which the attachment is executed.
  - b. A statement of the principal amount, interest, and costs for which the attachment is made.
  - c. A prohibition on the third-party garnishee from paying or delivering anything to the debtor, along with clear identification of the debtor.
  - d. An order to the garnishee to declare what they owe within ten (10) days.
2. The Enforcement Department may not serve the notice of attachment unless the attaching creditor deposits a sufficient amount to cover the reporting fee for the garnishee's declaration. A note of the deposit shall be marked on both the original and copy of the notice.

#### **Article (73)**

1. Upon receiving notice of attachment, the third-party garnishee shall be prohibited from delivering any assets held for the debtor or paying any debts owed to them. If they breach this obligation, they shall be liable to the attaching creditor for the amount paid or delivered to the debtor, or its equivalent value. The Enforcement Department shall execute this obligation coercively in accordance with the procedures provided by this Law.
2. Nevertheless, the third-party garnishee shall remain obligated to pay the debtor or deliver to them any funds that are exempt from attachment by law, or any surplus beyond the amount attached, without the need for a court ruling.

#### **Article (74)**

1. The attachment shall be notified to the debtor through an official notification served in accordance with legal procedures, and shall include a copy of the notice of attachment served on the third-party garnishee.

2. The Enforcement Department must notify the debtor of the attachment within seven (7) days from the date the third party was notified. The notice to the debtor shall include a copy of the attachment notice served on the garnishee.

#### **Article (75)**

1. The debtor whose assets have been attached may file a claim requesting the lifting of the attachment before the Enforcement Judge with jurisdiction. Such a claim shall not be enforceable against the third-party garnishee unless they are formally notified of the claim.
2. Upon such notification, the third-party garnishee shall be prohibited from making payment to the attaching creditor until the claim is resolved.

#### **Article (76)**

1. The third-party garnishee must declare, by means of a report prepared at the Enforcement Department within ten (10) days from the date of notification of the attachment, all funds or assets of the debtor in their possession and all debts owed to the debtor. The report shall include a detailed list of the assets held and the debts owed, stating their amount, basis, and any causes for extinguishment, if applicable. It must also list any other attachments already imposed under their custody, and include supporting documentation or certified copies thereof.
2. The third party shall not be exempt from submitting this declaration solely by claiming they owe the debtor nothing.

#### **Article (77)**

1. If the third-party garnishee fails to submit the declaration as required in Article (76), or falsely declares, or withholds documents they are obliged to submit to support the declaration, they may be held liable to the attaching creditor for the amount of the attached claim, by means of a lawsuit brought before the competent Enforcement Judge according to the usual litigation procedures.
2. In all cases, the third party shall be liable for court costs and any compensation resulting from their negligence or delay, as determined by the court.

#### **Article (78)**

1. Within seven (7) days from the date of the declaration, the third-party garnishee must deliver to the Enforcement Department the assets or debts declared, or an amount sufficient to satisfy the attaching creditor's claim.
2. The third party may deduct expenses incurred, provided they are approved by the Enforcement Judge, from the amount owed.
3. If the asset is perishable or at risk of damage, it must be delivered to the Enforcement Department within one (1) day, and the department shall sell it via public auction within three (3) days at most, depositing the proceeds into the Enforcement Department's trust.

### **Article (79)**

If the third-party garnishee fails to deliver the declared assets within the period specified in Article (78), the Enforcement Department shall attach those assets or their equivalent value from the third party's own property and shall proceed with the sale in accordance with the procedures set forth in this Law to satisfy the attaching creditor's rights.

## **Section Two**

### **Attachment and Sale of Movable Property in the Debtor's Possession**

#### **Article (80)**

In the enforcement by attachment of the debtor's movable property, the Enforcement Officer shall designate one of the assistants or clerks from the Enforcement Department to carry out the attachment process.

#### **Article (81)**

1. The Attachment Officer, appointed pursuant to Article (80), shall proceed—either alone or accompanied by the Enforcement Clerk and Enforcement Agent—to the location where the property to be attached is located, and shall attach such property in accordance with the decision of the Enforcement Judge by means of a record drafted at the place of attachment in the presence of two witnesses.
2. The attachment record shall include, in addition to the required information set forth in the enforcement officers' documentation, the following details:
  - a. A reference to the enforcement instrument under which the attachment is being carried out.
  - b. The location of the attachment, a description of the procedures followed by the Attachment Officer, and any obstacles or objections encountered during the attachment, along with the measures taken to address them.
  - c. A detailed inventory of the attached property, including type, description, quantity, weight or measurement, and an approximate valuation.

#### **Article (82)**

1. If the attachment involves jewelry or ingots made of gold, silver, other precious metals, gemstones, or any other valuable ornaments, they must be weighed and described in detail in the attachment record.
2. Such items shall be appraised by an expert appointed by the Enforcement Judge upon the request of the Attachment Officer.
3. This same method of appraisal may also be used for other artistic objects, such as paintings, antiques, artwork, and historical collectibles, upon the request of the Attachment Officer, the attaching party, or the debtor.
4. In all cases, the expert's report shall be attached to the attachment record.

5. If it becomes necessary to transport the items mentioned in paragraphs (1) and (3) above for weighing or appraisal, they must be sealed in a secured container, and a description of the seals must be recorded in the attachment record.

#### **Article (83)**

Ripe fruits, vegetables, and other harvested agricultural crops may be attached even if they have not been transported from the threshing floor to storage. If the attached items are perishable or their value does not justify preservation expenses, the Enforcement Judge may order their immediate sale to protect the interests of both parties.

#### **Article (84)**

1. If the attachment cannot be completed in a single day, it may be continued on the following day(s). The Attachment Officer shall take all necessary measures to safeguard both the already attached and the remaining items pending attachment. The record must be signed at every pause in the attachment process.
2. If necessary, the Enforcement Judge may authorize the Attachment Officer to continue attachment procedures beyond regular working hours or on official holidays until completion.

#### **Article (85)**

1. The Attachment Officer shall attach the assets of the judgment debtor wherever they may be found, once it is verified that they belong to the debtor, even if the location is not the debtor's place of residence or is shared with others who are not members of their family.
2. If the Attachment Officer finds that the assets appear to belong to a person other than the judgment debtor, the officer shall refrain from attaching them and prepare a written report of the circumstances to be submitted to the Enforcement Judge. After examining the matter, the Enforcement Judge may decide either to refrain from enforcement against such assets or to proceed with enforcement if it appears, on its face, that the assets belong to the debtor. Third parties claiming ownership may file a recovery claim before the Enforcement Judge to prove their ownership of the attached items.
3. The recovery claim shall be filed against the attaching party or all attaching parties (if multiple), as well as the judgment debtor, and the claim statement must include sufficient details and be accompanied by documents supporting the ownership claim.
4. Filing the first recovery claim shall result in the suspension of the sale.
5. The decision of the Enforcement Judge in a recovery claim shall be subject to appeal before the Court of First Instance acting in its appellate capacity.

*This Article was amended by Article (20) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (86)**

As a general rule, assets in the possession of the judgment debtor at their place of residence shall be presumed to be owned by them and may be attached, without regard to any objections raised by the debtor or by third parties to exclude all or part of such assets from the attachment—unless a judicial ruling or decision, or a notice of stay of execution dated prior to the judgment based on the enforceable instrument, is presented.

#### **Article (87)**

If the attachment is carried out in the presence of the judgment debtor, a copy of the attachment report shall be delivered to them. If the attachment takes place in their absence, they shall be formally notified of the report within no more than three (3) days.

#### **Article (88)**

1. In cases requiring the appointment of a custodian for the attached assets in accordance with Article (89), the Attachment Officer shall appoint such custodian. The Officer shall make the selection if neither the attaching party nor the judgment debtor proposes a qualified person. The judgment debtor shall be appointed as custodian if they so request, unless there is a risk of dissipation of the assets, in which case reasonable grounds must be stated in the report.
2. The custodian may not be in the service of the attaching party or the Attachment Officer, nor may they be the spouse, relative, or in-law of either up to the fourth degree.

#### **Article (89)**

If the Attachment Officer does not find a person at the place of attachment who accepts custody, and the creditor and the Officer agree, and the debtor is present, the debtor shall be obligated to assume custody, and refusal shall not be considered valid. If the debtor is not present, the Officer must seal the attached assets on-site if appropriate, or transfer or deposit them with a trustworthy person who accepts the responsibility of custody and is selected by the attaching party or the Officer. If this proves impracticable, the Officer must refer the matter to the Enforcement Judge to take the appropriate action.

#### **Article (90)**

The custodian shall sign the attachment report and shall be provided with a copy thereof. If they refuse to sign or decline to receive the copy, the Attachment Officer shall immediately refer the matter on the same day to the Enforcement Judge, who shall order service of the report upon the custodian in accordance with the legal procedures for notification within twenty-four hours. The Officer must record all such details in the report.

#### **Article (91)**

1. A custodian who is not the judgment debtor shall be entitled to a fee for the custody, and such fee shall have priority over the attached assets.
2. The fee shall be determined by an order issued by the Enforcement Judge based on a petition submitted to them.



#### **Article (92)**

1. If the Attachment Officer finds that the assets to be attached have already been previously attached, they shall make an inventory of those assets in the report and shall attach any remaining unattached assets. The custodian from the first attachment shall also be appointed as custodian of these assets if they are located in the same place.
2. The reports prepared must be notified no later than the next day to the first attaching creditor, the judgment debtor, the custodian (if not present), and the enforcement office that carried out the first attachment.
3. Such notification shall result in the previously attached assets being considered as attached for both debts, and the attachment shall remain in place for the benefit of the second attaching creditor even if the first creditor waives their right.

#### **Article (93)**

If the attachment of movable property is invalid, such invalidity shall not affect subsequent valid attachments made on the same assets.

#### **Article (94)**

Attached assets of the judgment debtor by multiple creditors may not be released except with the consent of all attaching creditors. If the first attaching creditor neglects to pursue or complete the enforcement proceedings within the legal timeframe, any other attaching creditor may request continuation thereof.

#### **Article (95)**

Any increases to the attached assets arising after the attachment shall be deemed included therein by operation of law.

#### **Article (96)**

1. The attachment shall be deemed void if the sale is not executed within two months from the date of the attachment, unless the sale has been stayed by law, court decision, or agreement of the parties.
2. The parties may not agree to defer the sale for more than two months from the date of the agreement.
3. The Enforcement Judge may, if necessary, extend the deadline for more than two months, and may also order an immediate sale of perishable goods or items whose value does not justify preservation expenses, in the interest of both parties and without being bound by the timeframes stated in paragraph (1) or the next Article.

#### **Article (97)**

The sale may not take place until at least seven (7) days have passed from the date the attachment report was delivered or notified to the debtor. It shall also not take place until at least one (1) day has passed from the completion of the advertisement procedures required under this Law.

#### **Article (98)**

1. Upon initiating the sale of the attached assets of the judgment debtor, the sale order shall be published in one or more daily newspapers and at the enforcement office within two weeks, unless the asset's value does not justify the cost of publication or there are no newspapers in the locality. In such case, a notice shall be posted at the enforcement office and the place where the assets are located.
2. The notice shall include a general description of the assets to be sold, their type and classification, and the time and place of the auction.
3. A copy of the newspaper, the sale notice, and all related reports shall be preserved in the enforcement file.
4. Each participant in the auction shall submit a security deposit equivalent to ten percent of the asset's value.

#### **Article (99)**

The auction for the attached assets shall be held at the nearest market to the place where the attachment occurred. The enforcement office may select another location as necessary, depending on the nature of the assets.

#### **Article (100)**

1. At the time specified in the sale notice for the public auction, the Attachment Officer shall not commence proceedings until they have inventoried the attached assets and recorded in a report any missing items.
2. The absence of the attaching creditor or the judgment debtor shall not prevent or delay the auction.
3. The auction shall be conducted by the Attachment Officer, who shall display the assets, announce them through the auction crier, and then sell and deliver them to the successful bidder in exchange for the stated price. A report shall be prepared, signed by the Officer and relevant parties, and shall include all sale procedures, any objections or obstacles encountered and how they were handled, the presence or absence of the attaching creditor and the judgment debtor, the sale price, the name of the buyer, and their signature.

#### **Article (101)**

If the purchaser fails to pay the price immediately, the attached assets shall be reoffered for sale at their expense. The auction shall be held immediately, if possible. The defaulting purchaser shall not benefit from any increase in price but shall be liable for the difference between the amount they offered and the final purchase price, as well as for any additional expenses incurred due to their default. The sales report shall serve as an enforceable instrument against them for the difference and the mentioned expenses.

#### **Article (102)**

1. If the auction does not take place on the date specified in the attachment report and the advertisement, it shall be postponed to another day, and the advertisement procedures shall be repeated in accordance with the preceding articles. The judgment debtor shall be notified of the new sale date by a certificate confirming the advertisement at least one (1) day prior to the sale.
2. If the postponement is due to the absence of bidders, the attached assets shall be sold at the renewed auction to anyone who offers to purchase them, even at a price lower than the valuation stated in the attachment documents.

#### **Article (103)**

If the assets to be sold are multiple and a sufficient portion is sold to satisfy the debt, interest, and expenses, the auction shall be halted and the remaining items returned to their owner.

#### **Article (104)**

1. Attached assets may be sold to satisfy an ordinary debt even if they are also attached to secure a privileged debt. In such case, creditors with privileged claims shall be satisfied first, and any remaining proceeds shall be paid to creditors with ordinary debts.
2. Assets pledged as security for a debt may be sold if their value exceeds the secured debt and if the creditor holding the ordinary debt requests the sale. The following conditions must be met:
  - a. The auction shall not commence at a price lower than the amount of the secured debt.
  - b. Upon completion of the sale, the privileged creditors shall be paid first, and the remainder shall be given to the ordinary creditor.

#### **Article (105)**

The Enforcement Office must proceed with the sale at the request of the attaching creditor if the court dismisses the recovery claim or rejects it in accordance with the applicable rules of the Civil and Commercial Procedure Law, or if the claim is deemed as if it were never filed, or if a ruling is issued on its inadmissibility, nullity of the statement of claim, termination of the proceedings, acceptance of withdrawal, or any other ruling that terminates the proceedings without deciding on the merits—even if such ruling is subject to appeal.

#### **Article (106)**

If a second recovery claim is filed by another claimant, or by the same claimant after their previous claim was deemed as if not filed, or dismissed, or ruled inadmissible, or dismissed for lack of jurisdiction, or nullified, or the proceedings therein were terminated, or the withdrawal was accepted, the sale shall not be stayed unless the Enforcement Judge decides to stay it for significant reasons.

## **Section Three**

### **Attachment and Sale of Shares, Bonds, Transfers, Revenues, and Equity Interests**

#### **Article (107)**

Shares, bonds, and transfers held by the debtor shall be attached in accordance with the procedures prescribed for the attachment of movable property if they are bearer instruments or negotiable by endorsement or assignment or by any similar technical means recognized by law for the transfer of securities.

#### **Article (108)**

1. Shares and bonds held by the debtor and registered in a name or conditioned for the bearer, as well as structured revenues, accrued dividends payable by any legal entity, and the rights of limited partners in companies shall be attached in accordance with the procedures applicable to attachment of assets held by third parties.
2. The entity that issued the registered shares and bonds, and the entity responsible for paying revenues, dividends, or the rights of limited partners—whether a company or any other legal entity—shall, upon being notified of the attachment as a third party, annotate the register of such securities to indicate the prohibition of their transfer to another name.
3. The attachment of the rights mentioned in Paragraph (1) above shall extend to their yields and all amounts due therefrom up to the date of sale.

#### **Article (109)**

Shares, bonds, and other items referred to in the two preceding articles shall be sold through one of the legally authorized specialized entities appointed by the Enforcement Judge upon a petition submitted by the attaching creditor. The Enforcement Judge shall indicate in the decision the procedures to be followed for advertising the sale.

## **Section Four**

### **Attachment and Sale of Immovable Property**

#### **FIRST: Attachment Procedures, Registrations, and Related Notifications**

#### **Article (110)**

1. Enforcement against the debtor's immovable property shall be initiated upon a petition submitted by the creditor to the competent Enforcement Judge.
2. The creditor's petition must include the type and date of the enforceable instrument, the amount of the debt to be collected, the date of service of the instrument upon the debtor, and a detailed description of the immovable property to be attached, including its location, area, boundaries, parcel numbers, and any other relevant identifiers in accordance with applicable laws.

3. The creditor shall have the right to obtain a decision from the Enforcement Judge authorizing an inquiry with the competent authorities to locate any immovable property owned by the debtor.
4. Enforcement shall commence pursuant to a decision issued by the Enforcement Judge.
5. The Enforcement Department shall notify the competent authority of this decision in order to annotate the registry of the property with a notation preventing its disposal to any third party. The authority must respond with a statement regarding any ownership-related restrictions associated with the said property.

#### **Article (111)**

1. Immovable property of the debtor that is legally subject to enforcement may be attached and sold in satisfaction of a judgment debt or a debt secured by an enforceable instrument, even if not registered in the land registration records, provided that the following conditions are met:
  - a. The creditor shall apply to the Land Department for registration of the immovable property in the name of the debtor.
  - b. The Land Registration Department shall record the application in a special register, after the creditor provides a certified copy of the judgment or enforceable instrument, and any other documents required by the Director of Lands, along with payment of the applicable fees.
  - c. An investigation shall be conducted into the debtor's transactions concerning the property subject to enforcement in accordance with the laws and regulations governing new registrations.
2. Enforcement shall then proceed on such property pursuant to the procedures set out in this Law, and the Enforcement Department shall deduct from the sale proceeds the costs incurred by the creditor in the registration process and reimburse them accordingly.

#### **Article (112)**

The Enforcement Department shall notify the debtor with a notice of the measures taken pursuant to the previous two articles, informing them that if the debt is not paid within one month from the date of notification, enforcement will commence for the sale of the immovable property specified in the notice.

#### **Article (113)**

1. Upon the lapse of the period stated in the previous article without settlement by the debtor, the Enforcement Department shall carry out the possession procedure by sending the Enforcement Officer to the location of the immovable property. A report shall be drawn up and signed by the officer and two witnesses, detailing the type, boundaries, description, area, neighborhood or village, land number, crop conditions and maturity, occupants, legal documents supporting their residence, and the estimated value as determined by the officer with the assistance of one or more experts.

2. A copy of the possession report shall be delivered to the debtor if present, or notified on the following day if the possession occurred in their absence.

#### **Article (114)**

1. Fruits and revenues of the immovable property shall be subject to enforcement from the date of possession.
2. The Enforcement Judge may, either on their own or upon request by the enforcing creditor, instruct an Enforcement Officer or other staff to harvest crops, collect fruits, and sell them.
3. Such produce shall be sold by public auction or by any other method authorized by the Enforcement Judge, and the proceeds shall be deposited in the treasury of the Enforcement Department.
4. The Enforcement Department shall not obstruct access to the immovable property by tenants or creditors holding rights over the crops for the purpose of care or harvest.

#### **Article (115)**

1. If the immovable property is not leased, the debtor shall be deemed the custodian thereof until it is sold, unless the Enforcement Judge removes or limits the debtor's custodianship.
2. The debtor residing in the attached property may continue to do so without paying rent until the sale is completed, after which they must vacate immediately.
3. If the attached immovable property is leased, the rent due for the period after possession shall be considered attached in the hands of the tenant upon being notified by the Enforcement Department not to pay it to the debtor.

#### **Article (116)**

1. If the net income of the attached immovable property for one (1) year is sufficient to cover the enforcing creditor's rights, and the creditor is authorized to collect such income, the Enforcement Judge may order a postponement of the sale. However, if the produce is attached for a preferential debt and the enforcing creditor cannot recover their claim in an organized manner, or if any event prevents collection, the creditor may request a new sale. Such postponement does not lift the attachment, and the property remains attached until the debt is fully satisfied.
2. If the debtor claims to be able to raise sufficient funds to settle the debt within a period and that selling the property would cause undue hardship, the Enforcement Judge shall summon both parties and hear their arguments. If convinced, the Judge may order a postponement of the sale for up to six months or allow the debt to be paid in installments, with the attachment remaining in place until full payment.

#### **Article (117)**

The Enforcement Judge may issue a decision permitting the debtor to sell or transfer the attached immovable property to others, provided that the proceeds of the sale or transfer are used to cover the judgment debt, including fees and costs.

#### **Article (118)**

Creditors whose debts are not secured by the attached immovable property may nonetheless enforce against it and sell it, even if the secured debt has not yet matured. In case of sale, the proceeds shall first satisfy the secured debt as per the security instrument, and any excess shall be paid to the other enforcing creditors in accordance with this Law.

### **SECOND: Conditions of Sale List and Objections Thereto**

#### **Article (119)**

1. The Enforcement Department shall prepare, within thirty (30) days from the date of taking possession, a list of the conditions of sale of the attached immovable property.
2. This list must include the following information:
  - a. A statement of the enforceable instrument by virtue of which possession was taken.
  - b. The date on which the debtor was notified of the attachment order and the date of possession and the debtor's notification thereof.
  - c. A description of the attached immovable property as detailed in the possession report, including its type, characteristics, location, boundaries, and area.
  - d. The conditions of sale and the base price as recorded in the possession report.
  - e. Any division of the attached immovable property into lots, if applicable, with the base price of each lot.
  - f. The date of the objections hearing session and the date of the auction.

#### **Article (120)**

The following documents shall be attached to the conditions of sale list:

1. A certificate of the taxes and fees due on the attached immovable property.
2. The instrument by virtue of which enforcement is sought.
3. The Enforcement Judge's order to initiate attachment and the debtor's notification thereof.
4. The possession report and the debtor's notification thereof.
5. A certificate from the competent authority showing ownership restrictions related to the property.

#### **Article (121)**

1. Within three (3) days from preparing the conditions of sale list, the Enforcement Department shall notify the debtor, the enforcing creditor, and all creditors whose claims were secured by the property prior to the attachment order and the notation thereof pursuant to Article (110).
2. The notice shall include the following:
  - a. The date of preparation of the conditions of sale list.
  - b. A general description of the attached immovable property and the base price.
  - c. The date and time of the hearing scheduled for reviewing objections to the list, and the date and time of the auction in case no objections are submitted.
3. The notified parties shall be informed of their right to review the list and submit any objections or comments concerning defects or irregularities at least three (3) days prior to the hearing mentioned in clause (2) above, failing which such rights shall lapse.

#### **Article (122)**

The conditions of sale list shall specify a session before the Enforcement Judge to hear objections to the list, which shall take place no sooner than thirty (30) days from the expiration of the deadline referred to in Article (121), and the auction session must be held not less than thirty and not more than sixty (60) days after the objection hearing. If no objections are submitted, the scheduled objection hearing shall be deemed null, and auction announcement procedures shall proceed.

#### **Article (123)**

1. The Enforcement Department shall announce the preparation of the list by publishing a notice in one or more local daily newspapers and by posting it on the notice board at the department's office within seven (7) days following the notifications referred to in Article (121). The posting record and a copy of the published notice shall be filed in the enforcement case file within seven (7) days of publication.
2. Any person has the right to review the conditions of sale list at the Enforcement Department.

#### **Article (124)**

1. The debtor, the creditors, and any other interested parties referred to in Article (121) must submit any objections regarding procedural defects occurring prior to the objection hearing session, as well as any comments on the conditions of sale, by filing an objection with the Enforcement Department at least three (3) days before the scheduled hearing, failing which their right to raise such objections shall lapse.
2. Any other interested party not listed in Paragraph (1) above may raise procedural defects or comments either by objecting to the list directly or by intervening during the objection hearing.



### **THIRD: Auction Sale Procedures**

#### **Article (125)**

1. Subject to the provisions of Article (4), the auction shall be conducted by the Enforcement Department within whose jurisdiction the property is located.
2. The Enforcement Judge of the department shall determine the date of the auction session upon the request of any creditor or any other interested parties referred to in Article (121). No order shall be issued to this effect unless it is verified that all objections to the conditions of sale list submitted within the specified period have been resolved by final and enforceable rulings.
3. The Enforcement Department shall notify the persons mentioned in Article (121) of the date and location of the auction at least seven (7) days prior to the scheduled date.
4. The auction shall not start at less than 50% of the appraised value of the property.

*Paragraph (4) was added to this Article pursuant to Article (21) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (126)**

Any agreement between the parties to conduct the auction in a manner contrary to the legal conditions set forth in this Law shall be considered void and of no effect. However, the debtor may waive the notifications granted to him by law.

#### **Article (127)**

1. The Enforcement Department shall announce the auction by publication and posting at least thirty (30) days prior to the scheduled date.
2. In localities where more than one newspaper is issued, the announcement shall be published in one or more newspapers as deemed appropriate. Copies shall also be posted at the Enforcement Department's office, on the door of the attached property, and in any other public location. If the immovable property being sold is of high value, the Enforcement Department may use additional advertising methods.
3. The announcement shall include all the details of the immovable property, its actual condition at the time of attachment, the names and titles of the parties, the scheduled date and time of the auction, and the terms of participation.
4. After preparing the auction list and publishing the announcement, the public crier or the enforcement officer shall publicly announce the auction at least three times in crowded places and at the location of the property. The method of announcement shall be recorded on the back of the auction list.

#### **Article (128)**

The auction shall be deemed to have commenced from the date of the announcement. Anyone wishing to participate must deposit a guarantee equal to 10% of the base price stated in the auction

list. After the lapse of thirty (30) days, the property shall be provisionally awarded to the bidder offering the highest price, which shall be recorded in the auction list and approved by the enforcement officer.

#### **Article (129)**

1. After the provisional award, a second announcement shall be made. This announcement shall indicate the completion of the provisional award, the value of the last bid, and the date and time of the final public auction. As of the date of this second announcement, the auction shall be considered reopened for fifteen (15) days. Anyone wishing to participate must deposit a guarantee equal to 5% of the price set in the provisional award.
2. On the date specified in the second announcement, the public auction shall be conducted among the present parties, and the Enforcement Judge shall issue a final award to the highest bidder. The award decision shall be filed in the enforcement case file.

#### **Article (130)**

1. On the day following the issuance of the final award decision, the debtor shall be notified of the result of the final bidding and the award decision. The notice shall inform him that he must either pay the debt or appear at the registration department to complete the sale or transfer in the presence of the designated officer within fifteen (15) days from the date of the notice. If this period expires without payment or voluntary registration, the registration department shall be instructed to complete the sale or transfer in favor of the buyer.
2. If the debtor pays the debt and enforcement expenses before registration is completed, the registration order shall be canceled and deemed null.
3. Once the registration process is finalized as described, the sale or transfer shall not be revoked even if the debtor later wishes to pay the debt.

#### **Article (131)**

If the auction price of the immovable property offered for sale is significantly lower than the base price listed in the auction schedule, the Enforcement Judge must extend the auction procedure for a period not exceeding forty-five (45) days. The sale and transfer of ownership at the price determined in this extended auction shall then be deemed final and mandatory.

#### **Article (132)**

If the successful bidder to whom the final award was granted refuses to accept the transfer and to pay the auction price, the property shall be offered to the second-highest bidder at the price they previously accepted. If the latter accepts, the Enforcement Department shall recover the difference in price from the security deposit of the bidder who defaulted, and if that amount is insufficient, from their other assets. If the second bidder also refuses, the property shall be re-auctioned for fifteen (15) days, and the Enforcement Department shall charge the defaulting bidder the difference in prices between the two auctions.

#### **Article (133)**

If, after the final award and before the expiration of the notice period to the debtor under Article (130), a new bidder appears and offers ten percent (10%) or more above the awarded price, the bid must be accepted. A new auction shall then be held over three (3) days among all previous bidders and the new bidder, after which the final award shall be granted to the highest bidder.

#### **Article (134)**

1. The Enforcement Department must proceed with the transfer of ownership of the immovable property following the final award without delay. If this cannot be accomplished within one (1) month, the buyer may cancel the auction after the transfer process. The Enforcement Department shall notify the occupants of the property to vacate and deliver it within fifteen (15) days. At the end of this period, the Department shall deliver the property to the buyer.
2. After one (1) year from the date of sale or transfer of real estate through public auction by the Enforcement Department, no claim for rescission of the sale or transfer based on procedural irregularities shall be entertained. This does not apply to minors, absentees, or persons lacking legal capacity.
3. Fraud or forgery in enforcement notifications is not considered a procedural irregularity.

#### **Article (135)**

1. In delivering the immovable property to the buyer and in resolving any disputes involving third parties, the state of the property at the time of attachment shall be taken into account.
2. Subject to Article (115), any lease or other use agreements entered into after the attachment remain valid until the day of delivery, after which the property must be handed over to the buyer without further judicial order.
3. Any additions to the property after attachment shall be deemed included in the sale without separate mention, and the debtor may not claim separation of such additions.

#### **Article (136)**

If the parties do not agree on the value of vegetables and other growing crops excluded from the immovable property being sold—such as orchards or fields—each party shall appoint an expert, and a third expert shall be appointed by the Enforcement Judge to determine their value. The immovable property shall not be transferred to the buyer until the buyer pays the assessed value in advance.

### **FOURTH: Interruption of Procedures and Their Effects**

#### **Article (137)**

1. If the auction is delayed for legal reasons or due to the creditor's failure to pursue it, the auction must be resumed after fifteen (15) days.
2. If the auction has been abandoned for more than one (1) year, all previous deadlines are cancelled, and the procedures start anew.

#### **Article (138)**

If a person claiming ownership of real estate offered for auction requests a delay in the auction procedures, such claim shall not be considered unless submitted before the issuance of the final award decision and unless a solvent guarantor is presented to secure all potential damages that may be caused to the creditor due to the delay. In such case, the Enforcement Judge may grant a period of fifteen (15) days to allow the claimant to petition the competent court and obtain a decision to delay the auction; otherwise, the procedures shall continue.

#### **Article (139)**

If a claim of entitlement is filed regarding a portion of the seized real estate and the court decides to delay the auction, the auction may resume for the remaining portions.

#### **Article (140)**

If the attachment on real estate imposed by the Enforcement Department is to be lifted due to debt repayment or any other reason, and another Enforcement Department had previously notified the former to reserve a share of the proceeds upon sale, the first department must notify the latter of the pending removal. If no response is received within fifteen (15) days with a new attachment request, the attachment shall be lifted.

#### **Article (141)**

If the creditor, without a legitimate excuse, fails to pursue the enforcement procedure for one (1) year from the date of the attachment, and the debtor whose immovable property has been attached requests the lifting of the attachment, the Enforcement Department must notify the attaching creditor of this matter. If one month passes from the date of such notification—or from the date of publication in case the creditor's place of residence is unknown—without the creditor resuming the procedure, the Enforcement Judge may decide to lift the attachment if it is deemed to serve the interests of justice.

### **PART THREE**

### **Distribution of the Proceeds of Enforcement**

#### **Article (142)**

The amounts collected from the debtor, along with the proceeds of the assets sold by the Enforcement Department, shall be distributed among the creditors who submitted claims for their debts, after the Enforcement Department separates and retains the share of the privileged creditors, even if they have not submitted a request for payment of their debts.

#### **Article (143)**

If the amounts collected in accordance with Article 142 are insufficient to cover all the creditors' claims, they shall be distributed in the following order:

1. Creditors with privileged debts, according to the order of their priority and preference.

2. If the creditors have equal ranking in privilege and the available funds are insufficient to pay all such debts, the amounts shall be distributed among them proportionately based on the amount of each creditor's debt relative to the total privileged debt.
3. If the available funds exceed the privileged debts, the excess shall be distributed among the ordinary creditors in proportion to their respective debts relative to the total ordinary debts.

#### **Article (144)**

From the amounts subject to proportional distribution, the enforcement expenses incurred by the seizing creditor in the course of collecting these amounts shall be deducted first.

#### **Article (145)**

If the Enforcement Department determines that it has collected from the debtor an amount exceeding what is lawfully due and paid it to the creditor, it shall recover such excess from the creditor and return it to the debtor pursuant to a decision by the Enforcement Judge, without the need to refer the matter to the courts or obtain a judgment.

#### **Article (146)**

The priority of attachment does not grant the attaching creditor any privilege over the other attaching creditors. However, if the judgment forming the basis of the second attachment is based on an oral confession, refusal to swear an oath, or a written confession whose date was not officially proven to precede the legal grounds of the first judgment, then the creditor under the second judgment shall not share in the proceeds of the attached assets with the creditor under the first judgment. Rather, they may satisfy their claim from the remaining assets of the debtor.

#### **Article (147)**

Amounts collected from the debtor pursuant to a court judgment or enforceable instrument shall be recorded in a report and in the daily register under the creditor's account. Once such registration is completed, these amounts may not be attached to satisfy any other debt claimed against the debtor.

## **PART FOUR**

### **Miscellaneous Provisions**

#### **CHAPTER ONE**

#### **Lien Rights and Their Ranks**

#### **Article (148)**

1. A lien shall be considered general if it covers all of the debtor's assets, and special if it pertains to part thereof.
2. Creditors holding general lien rights shall recover their debts from all of the debtor's assets in preference to other creditors, provided this does not conflict with creditors holding special liens.

3. Creditors holding special lien rights shall recover their debts from the specific assets of the debtor to which the lien attaches, and they shall have no lien over other assets of the debtor.

#### **Article (149)**

1. The following are debts enjoying a general lien:
  - a. Court-awarded alimony for the wife, children, and parents.
  - b. Taxes and fees collected by the government of any kind, whether collected directly or indirectly.
2. All debts mentioned in Paragraph (1) above shall be recovered from the debtor's movable and immovable property in accordance with their respective ranks as specified by applicable laws and orders. Other debts owed to the government by individuals shall not be considered privileged.

#### **Article (150)**

##### **Debts enjoying a special lien include:**

1. Fees and taxes imposed by the state on the attached movable and immovable assets themselves, including customs duties, real estate taxes, land taxes, and other levies, which shall be collected from the proceeds of those assets with a special lien.
2. Rent due under a lease contract shall have a lien on the attachable items located in the rented property and shall be collected from their proceeds in priority over other debts.
3. Rent due on productive land such as farms, fields, and orchards, if evidenced by a deed, shall be collected from the crops of such land in preference to other debts, except as provided in Paragraph (2) above.
4. Hotel charges due to the hotel owner shall be collected from the proceeds of the debtor's assets located in the hotel prior to the settlement of other debts.

#### **Article (151)**

The lien arising from the use of immovable property as security for a debt shall be governed by the provisions of the laws and regulations specific to that lien.

#### **Article (152)**

Creditors holding special lien rights shall have priority in collecting their debts over those holding general lien rights.

#### **Article (153)**

A lien shall not be established unless the nature and type of the debt are explicitly and definitively stated in the enforceable instrument. Claims made to the Enforcement Department contrary to its provisions or newly raised shall not be considered.

### **Article (154)**

Matters not addressed in this Section shall be subject to the rules on lien rights provided in the Civil Code and other applicable special laws.

## **CHAPTER TWO**

### **Imprisonment of the Debtor**

### **Article (155)**

1. A creditor may request the imprisonment of their debtor if the latter fails to propose a settlement proportionate to their financial capability during the notification period, provided that the first installment under the proposed settlement shall not be less than 15% of the adjudicated amount. If the creditor does not accept this settlement, the Head or the Enforcement Judge may summon both parties to hear their statements, investigate the debtor's ability to pay the debt, and listen to the creditor's statements and evidence regarding the debtor's capacity to pay, and thereafter issue the appropriate decision.
2. In the session designated for this purpose, the Enforcement Judge shall, in the presence of the judgment creditor, conduct an investigation with the debtor to determine their ability to pay the adjudicated amounts, inquire about their assets, and uncover any actions the debtor has taken or intends to take to conceal assets in order to avoid enforcement of the judgment or to flee.
3. The Enforcement Judge may question the creditor and hear witnesses—under oath or otherwise—if deemed necessary to uncover the truth, regardless of whether the debtor is present.

*Paragraph (1) of this Article was amended pursuant to Article (22) of Decree-Law No. (25) of 2024 amending Enforcement Law No. (23) of 2005.*

### **Article (156)**

The Enforcement Judge may, at the request of the judgment creditor, order the arrest and imprisonment of the judgment debtor in the following cases:

1. If the debtor fails to report to the Enforcement Department and propose a settlement to pay their debt within the time specified in the notification form referred to in the previous Article.
2. If the Enforcement Judge, based on oral or written evidence and as a result of the investigation conducted pursuant to Article 155, is convinced that:
  - a. The debtor had or has acquired sufficient means since the issuance of the judgment to pay the adjudicated amount or the remaining balance thereof, or to pay an installment of a due debt under an agreed settlement but refused or neglected to pay.
  - b. The debtor has donated, transferred, or delivered part of their assets to others, or allowed others to do so, or has pledged or concealed their assets in a manner that has prevented the creditor from fully or partially collecting the adjudicated amount.
  - c. Repealed.

Subparagraph (c) of Paragraph (2) of this Article was repealed pursuant to Article (23) of Decree-Law No. (25) of 2024 amending Enforcement Law No. (23) of 2005.

#### **Article (157)**

1. The duration of imprisonment under any decision issued by the Enforcement Judge shall not exceed ninety-one (91) days, and the total imprisonment periods in one (1) year shall not exceed ninety-one (91) days regardless of the debt amount or the number of debts.
2. If the adjudicated amount does not exceed five hundred Jordanian dinars (JOD 500), the imprisonment period shall not exceed twenty-one (21) days. If the debt is to be paid in installments, the imprisonment for each missed installment shall not exceed twenty-one (21) days.

#### **Article (158)**

1. A debtor may not be imprisoned again for the same debt after release, whether with the consent of the creditor or after completing the court-ordered imprisonment period.
2. Subject to the previous article, the Enforcement Judge may consider each installment of the debt, if it was decided by court order or by the Enforcement Judge, as an independent debt.

#### **Article (159)**

The Head of Enforcement may postpone the debtor's imprisonment if it is proven by an official medical report issued by an official medical committee that the debtor suffers from a temporary illness that renders imprisonment unbearable. The imprisonment order shall not be enforced until the debtor is examined by the medical committee or the expiry of the duration specified in the medical report.

This Article was amended pursuant to Article (24) of Decree-Law No. (25) of 2024 amending Enforcement Law No. (23) of 2005.

#### **Article (160)**

The imprisonment and subsequent release of the debtor shall not affect the creditor's right to recover their debt from the debtor's assets.

#### **Article (161)**

**There shall be no need to prove the financial capability of the following persons when requesting their imprisonment:**

1. Those whose financial capability has been certified by a notary public and those who have guaranteed the debtor before the Enforcement Department.
2. The judgment debtor liable for personal obligations arising from a criminal act, without the need to prove financial capability.



3. The debtor liable for alimony to a spouse, ascendants, or descendants who fails to pay, without the need to prove financial capability.
4. A debtor whose debt is secured by an asset in their possession, such as a sale price or insurance—proof of financial capability is not required.

#### **Article (162)**

The creditor shall not be required to investigate the debtor's assets sufficient to cover the debt in order to request imprisonment. However, the debtor may request to revoke the imprisonment order by disclosing and proving the existence of assets sufficient to satisfy the debt.

#### **Article (163)**

1. Imprisonment shall not be permitted in any of the following cases:
  - a. A person who is not personally liable for the debt, such as an heir not in possession of the estate, or a guardian or trustee.
  - b. A debtor who has reached the age of seventy at the time of enforcement or during enforcement, except for those adjudicated to pay alimony or liable for personal rights, compensation, or damages arising from a criminal act.
  - c. A debtor under the age of eighteen, or one who is mentally incapacitated, declared legally incompetent, or insane.
  - d. A bankrupt debtor during bankruptcy proceedings or a debtor applying for a protective settlement.
  - e. A pregnant woman until three months after delivery, and a mother until her child reaches two (2) years of age.
  - f. A debtor with a terminal illness incompatible with imprisonment, based on a report by an official medical committee.
  - g. If both spouses or the surviving/incarcerated parent has a child under fifteen (15) years of age or with disabilities.
2. A debtor may also not be imprisoned in any of the following cases:
  - a. If the debt is between spouses or ascendants and descendants, unless the debt is for adjudicated alimony.
  - b. If the debtor has sufficient assets to satisfy the debt and such assets are subject to attachment.
  - c. If the debt is secured by a real guarantee.
3. The prohibition of imprisonment under this Article does not preclude the application of precautionary measures, including a travel ban on the debtor in accordance with the provisions of Article (164) bis of this Law.

*This Article was amended pursuant to Article (25) of Decree-Law No. (25) of 2024 amending Enforcement Law No. (23) of 2005.*

#### **Article (164)**

If the judgment debtor against whom a detention order has been issued pays the due installment of the debt, complies with the Enforcement Judge's order, or discloses assets sufficient to settle the adjudicated debt or the remaining balance thereof, the Enforcement Judge may, upon the debtor's request, cancel the detention order and order their release.

#### **Article (164) Bis**

If the Head of the Enforcement Department is convinced, based on the evidence presented, that the debtor has disposed of or concealed his assets, or is about to leave the country with the intention of obstructing enforcement, he may issue an order to summon the debtor to appear before him immediately to explain why he cannot present a bank or judicial guarantee from a solvent guarantor to secure enforcement. If the debtor fails to comply, the Head of Enforcement shall order a travel ban until the debt is settled.

*This Article was added pursuant to Article (26) of the Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005*

### **CHAPTER THREE Miscellaneous Matters**

#### **Article (165)**

1. Enforcement instruments deposited with the Enforcement Department for execution shall be suspended if left unpursued by their holders for six consecutive months from the date of the last action taken thereon, and execution shall be resumed only upon submission of a request for enforcement.
2. If two (2) years pass without the creditor or any party involved in the enforcement proceedings taking any action to pursue the matter, the proceedings shall be dropped by a decision of the Head of Enforcement, either upon the request of one of the parties or sua sponte, unless execution was stayed by a decision or a legal impediment prevented its continuation. As a result, the enforcement request and all subsequent procedures shall be null and void, unless their effects have been exhausted. However, the lapse shall not remove the effect of interrupting the statute of limitations.

*Paragraph (2) was added pursuant to Article (27) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (165) Bis**

1. The department may store the information, data, and documents contained in enforcement case files using electronic means. Extracted copies of electronically stored documents, after being stamped with the department's official seal and signed by the competent officer, shall have the same probative force as the original.

2. If an enforcement case file is lost or partially or entirely damaged, the Head of Enforcement shall investigate the matter. The signed electronic copy shall be relied upon for the continuation of enforcement proceedings unless the Head of Enforcement decides otherwise.
3. Matters related to vehicles that are attached pursuant to this Law, including designated storage places and storage fees, shall be regulated by a regulation issued for this purpose.
4. The High Judicial Council shall publish an announcement during the first month of each year specifying the daily newspapers with the widest circulation for the purposes of implementing the provisions of this Law.
5. In addition to publishing all announcements in daily newspapers in accordance with this Law, such announcements must also be published on any official website designated by the High Judicial Council for this purpose. This electronic platform shall also be considered valid for conducting auctions of seized property offered for sale in jurisdictions where the High Judicial Council announces the availability of such service.
6. The cases in which debt payments may be made electronically or by other legally recognized methods, as well as cases involving the issuance of release orders, recall of imprisonment orders, or revocation of travel bans upon full debt payment—including outside official working hours—shall be determined by a regulation issued for this purpose.

*This Article was added pursuant to Article (28) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

#### **Article (166)**

1. Judgments shall be enforceable for fifteen (15) years from the date of issuance.
2. Other enforcement instruments shall remain enforceable as long as the obligations established therein are not time-barred pursuant to the applicable laws.

#### **Article (167)**

Monetary and in-kind deposits held by the Enforcement Department or collected or recovered from judgment debtors upon the creditors' request shall revert to the public treasury if the rightful owner does not claim them within five (5) years from the date of notification or, in the case of unknown addresses, from the date of publication in the newspaper according to proper procedure.

#### **Article (168)**

Legal excuses that interrupt the statute of limitations shall also apply to the provisions of the two preceding articles. Claims of this nature shall be resolved through litigation before the competent court.

#### **Article (169)**

1. This Law shall apply to all enforcement actions and proceedings initiated after its entry into force unless otherwise stipulated.

2. Any enforcement proceedings initiated or pending at the time of this Law's entry into force shall be deemed valid if carried out pursuant to any laws in force prior to this Law.
3. Without prejudice to paragraph (2) above, the provisions of this Law shall apply, to the extent deemed possible by the Enforcement Judge, to all pending enforcement proceedings from the stage at which they currently stand.

#### **Article (170)**

1. The application of this Law shall not prejudice the rights granted to authorities or administrative bodies to enforce the collection of their entitlements through the means and procedures stipulated in the laws regulating such matters.
2. Except as provided in Paragraph (1), the provisions of this Law shall apply to enforcement carried out by administrative bodies, to the extent that they do not conflict with the provisions of their respective laws.

#### **Article (171)**

The following laws in force in the governorates of the West Bank and the Gaza Strip shall be repealed:

1. The Ottoman Procedure Law issued on the 15 Jamadi Al-Akher 1332 Hijri.
2. The Law on Reciprocal Enforcement of Judgments No. (22) of 1922.
3. The Principles of Reciprocal Enforcement of Judgments of 1926.
4. The Law on Judgments (Reciprocal Enforcement with Egypt) No. (16) of 1929.
5. The Palestinian Debtors' Imprisonment Law issued on 31 October 1931.
6. The Amended Procedure Law No. (38) of 1936.
7. The Foreign Judgments Enforcement Law No. (8) of 1952.
8. The Jordanian Procedure Law No. (31) of 1952.
9. The Supplement to the Jordanian Procedure Law No. (25) of 1965.
10. All provisions that conflict with the provisions of this Law as contained in any laws in force prior to its entry into effect.

#### **Article (172)**

All competent authorities, each in its respective field, must implement the provisions of this Law, and it shall enter into force thirty (30) days after its publishing in the Official Gazette.

**MAHMOUD ABBAS**  
**President of PLO Executive Committee**  
**President of the Palestinian National Authority**

#### **Article (29)**

1. The provisions of this Decree-Law shall apply to persons against whom judicial decisions imposing enforcement imprisonment were issued prior to its entry into force. Heads of Enforcement shall immediately begin implementing its provisions in ongoing enforcement cases and shall cancel imprisonment orders issued before its enforcement.
2. Any newly introduced time limits for lapse or other procedural timeframes under this Decree-Law shall only take effect from the date it comes into force.

#### **Article (30)**

The High Judicial Council shall prepare the regulations necessary for the implementation of the provisions of this Decree-Law, which shall be issued by the Council of Ministers.

*These provisions were added pursuant to Articles (29) and (30) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*

*The name "Palestinian National Authority" wherever it appears in this Law was amended to the "State of Palestine," and the title "President of the Palestinian National Authority" was amended to "President of the State of Palestine," pursuant to Article (2) of Decree-Law No. (25) of 2024 amending the Enforcement Law No. (23) of 2005.*