



CONTRACTS/AGREEMENTS

471 TRAE
Translation of Legal Texts
2nd Semester 1436/1437

Dania A. Salamah

WHAT IS A CONTRACT?

- A **contract** (العقد) is a legally binding relation in which one party makes an offer that the other accepts in a way that will have its effect on what has been contracted upon.



ELEMENTS OF A CONTRACT

1. **Title:** The title is given based on the purpose of the contract (e.g., Employment Contract, Rental Contract/Agreement, Sales Contract).
2. **Contract Parties** (أطراف العقد): The parties of the contract must be mentioned explicitly. Usually, information such as their **place(s) of residence** (محل الإقامة), nationalities, and ID numbers (national ID or passport/Iqama) is also included. Contracts usually have a **First Party** (طرف أول) and a **Second Party** (طرف ثاني).



3. **Preamble (التمهيد)**: Is an introduction to the contract that briefly defines and explains the subject of the contract. The first article usually mentions that “**the preamble is an integral part of the contract**” (**التمهيد جزءاً لا يتجزأ من العقد**)
4. **Mutual Obligations (الالتزامات المتبادلة)**: The obligations of each of the two parties towards the other are mentioned in detail. Any financial obligations are also included within this section. In some contracts, the obligations are listed under sub-headings, such as, employment duration, salary, maintenance, etc.



5. **Duration of Contract** (مدة العقد/مدة سريان العقد): The duration of the contract or “when the contract expires” is usually stated.
6. **General Provisions** (أحكام عامة): In some cases, general provisions are stated, such as the registration or authentication of a contract at a certain entity.



7. **Law or Court of Jurisdiction** (القانون المختص أو المحكمة المختصة): The law or court of jurisdiction is usually indicated for the **arbitration** (تحكيم) of any **dispute** (نزاع) that may arise between the parties.
8. **Signing Date**
9. **Number of Articles, Pages, and Copies:** It is preferable to indicate how many articles, pages, and copies exist to prevent any additions or unwanted changes.



10. **Signatures:** The contract should be signed and dated by the parties involved or their **representatives** (ممثلهم). **Witnesses** (الشهود), if present/necessary, shall also sign.
11. **Notarization** (التوثيق/المصادقة): If the contract requires notarization by a **notary public** (كاتب عدل), this needs to be indicated in the contract.



TYPES OF CONTRACTS

- Employment Contract
- Rental or Lease Agreement
- Sales Contract
- Maintenance Contract
- Service Contract



REFERENCES

- الدليل المعتمد للترجمة القانونية: ترجمة النصوص القانونية المدنية والتجارية والحكومية والشرعية من وإلى العربية والإنجليزية للدكتور/ عادل عزام سقف الحيط (2012) - دار النشر: دار الثقافة للنشر والتوزيع – عمان، الأردن

