

**QORMOYINKA MOWDUUCYADA SHIRKA
GARSOORKA 2025**

TUSMADA GUUD

HORDHAC	03
WAAQICA GARSOORKA IYO CASRIYEYNTA.....	05
Xeer ilaaliye Jibriil jirde Cabdi	05
KAALINTA SHARCIYADA EE CASRIYEYNTA	
GARSOORKA.....	34
Avv. Cabdullaahi Macalin Muxiyadiin (Dudaaye).....	34
KAALINTA TEKNOOLOJIYADDA EE CASRIYEYNTA	
GARSOORKA.....	72
Mr. Zakariye Cali Maxamad.....	72
KAALINTA CADDAYMAHA ELEGTEROONIGADA AH EE	
CASRIYEYNTA GARSOORKA.....	91
Xeer ilaaliye Cabdullaahi Yuusuf Aadan.....	91
QIIMEYNTA QOONDADA MIISAANIYADDA IYO	
DEDAALLADA CASRIYEYNTA GARSOORKA.....	147
Dr. Cali Yaasiin Sheekh.....	147
DHAMMAAD.....	169

Horudhaca Qormooyinka

Shirka garsoorku waa shir sanadle ah oo qabsooma horraanta sanad walba, waxaana ka mid ah waxyaabaha lagu soo bandhigo, qormooyin laga sameeyay mowduucyada lagu gorfeynayo shirka kuwaas oo ka duulaya mowduuca guud ee shirka sanadkaas.

Mowduuca guud ee shirka garsoorka ee sanadkan 2025 waxaa loo doortay in uu noqdo **(Casriyeynta Garsoorka)**, taas oo looga golleeyahay in diiradda lagu saaro casriyeynta garsoorka, si arrintaasi loogu qaadaadhigo shirka si habsami lehna, guddiga qabanqaabada shirku waxa uu diyaariyay mowduucyo hoos immanaya mowduuca guud ee shirka kuwaas oo si mug leh daraasad uga soo sameeya mid kasta mowduuca uu ku saabsan yahay.

Mowduucyadaas hoos immanaya mowduuca guud ee shirka waxa ay noqdeen shan mowduuc oo mid kasta loo xilsaaray xubna loo arkay in ay yihiin kuwii ku habboonaa diyaarrinta daraasaddaas iyo soo bandhigiddeeda.

Mowduuca 1aad: Waaqica garsoorka iyo casriyeynta, mowduucani waxa uu diiradda saarayaa sooyaalka garsoorka Soomaaliya iyo casriyeyntiisa, gaar ahaan casriyeynta uu garsoorku ku tallaabsaday burburkii ka dib, iyada oo uu gunaanadka soo jeedinayo talooyin loogu talagalay in lagu xoojiyo casriyeynta garsoorka, si kor loogu qaado adeegga caddaalad ee uu bulshada u hayo.

Mowduuca 2aad: Qiimeynta qoondada miisaaniyadda iyo dedaallada casriyeynta garsoorka, mowduucani waxa uu diiradda saarayaa kaalinta qoondada garsoorka ee miisaaniyadda dalku ay ku leedahay guud ahaan howlgudashada garsoorka, gaar ahaanna casriyeyntiisa, iyada oo uu qiimeyn ku sameeyay is beddellada qoondada garsoorka ee miisaaniyadda dalka laga soo billaabo 2015 ilaa 2024. Ugu dabeynna waxa uu soojeedinayaa talooyin kor loogu qaadayo qoondada garsoorka ee miisaaniyadda dalka si uu habsami ugu guto adeegga cadaalad ee uu bulshada u hayo.

Mowduuca 3aad: Kaalinta sharciyada ee casriyeynta garsoorka, mowduucani waxa uu diiradda saarayaa kaalinta casriyeynta sharciyada ay ku leedahay casriyeynta garsoorka, waxa uuna soo bandhigayaa heerka sharciyada ay ka joogaan casriyeynta iyo saamaynta ay arrintaasi ku leedahay casriyeynta garsoorka. Ugu dambeynna waxa uu soojeedinayaa talooyin kor loogu qaadayo casriyeynta sharciyada si ay u fududeeyaan casriyeynta garsoorka.

Mowduuca 4aad: Kaalinta teknoolojiyadda ee casriyeynta garsoorka, mowduucani waxa uu diiradda saarayaa muhiimadda ay tiknoolojiyadda u leedahay guud ahaan dowladnimada gaar ahaan kaalinta ay ka geysankarto fududeynta adeegga

caddaaladda ee uu Garsoorku bulshada u hayo, sidaas oo kale khataraha la socda adeegsiga tiknoolijiyadda gaar ahaan ilaalinta xogta, ugu dambeynna qormadu waxa ay soo jeedinaysaa talooyin kor loogu qaadayo adeegsiga tiknoolijiyadda si loo casriyeeyo adeegga caddaaladda ee uu bixiyo garsoorku.

Mowduuca 5aad: Kaalinta caddaymaha elekterooniga ah ee casriyeynta garsoorka, mowduucani waxa uu diiradda saarayaa kaalinta shaqo wanaag iyo fududayn ee uu ku soo kordhinayo xayndaabka shaqada garsoorka, ugu dambeynna qormadu waxa ay soo jeedinaysaa talooyin kor loogu qaadayo adeegsiga caddaymaha elektarooniga ah si loo casriyeeyo adeegga caddaaladda ee uu bixiyo garsoorku.

IS BERIYEELID:

Qormooyinkan oo ah kuwa xubnaha ku qoran ay ka diyaariyeen mowduucyada shanta ah ee hoos immaaya mowduuca guud ee shirka garsoorka sanadkan 2025, waxaa xusid mudan in guud ahaan xogta ku xusan ay matalayso qoreyaasha diyaariyay iyo agabka diyaarrinta daraasadaha ee ay adeegsadeen, sidaas darteedna aysan marnaba matalaynin aragtida garsoorka dalka.

1

QORMADA 1AAD

WAAQICA GARSOORKA IYO CASRIYEYNTA

Jibriil Jirde Cabdi

Jibril Jirde wuxuu haystaa shahaadada labaad LLM ee Ilaalinta Hantida Maskaxda (Intellectual Property) iyo Ganacsiga, taas oo uu ka qaatay KDI School ee Koonfurta Kuuriya. Shahaadada labaad MA ee Culuumta Arrimaha Bulshada iyo Siyaasadda ayuu ka qaatay Jaamacadda Kocaeli University ee dalka Turkiye. Isagoo ka qaatay shahaadada koowaad Kuliyadda Sharciga ee Jaamacadda Hargeysa. Jibril wuxuu leeyahay khibrad ballaadhan oo dhinaca sharciga ah, isaga oo ku soo shaqeeyay qareen, cilmi-baadhe, iyo macalin. Hadda, wuxuu yahay Xeerilaaliye ka hawlgalaya Xafiiska Xeerilaaliyaha Guud ee Qaranka. Wuxuu qoray cilmibaadhisyo kala duwan oo lagu daabacay joornaallo caalami ah.



Xiriirka: jibriilabdi60@gmail.com , +252615625392.

Nuxurka

Qoraalkan waxa uu diiradda saarayaa waaqica garsoorka iyo casriyeyntiisa. Burburkii ku dhacay Dawladnimada Soomaaliya waxa uu abuuray baahi dhab ah oo keentay in dib loo yagleelo hay'adaha saldhigga u ah Dawladnimada dalka.

Dadaallada dib u dhiska ee soo billowday horraantii qarnigan, ayaa sameeyay saldhig laga duulikaro ee hay'adaha Dawladda oo uu ka mid yahay Garsoorka, balse u baahan in la casriyeeyo, si ay u noqdaan kuwa la jaanqaadikara casriga.

Qoraalku waxa uu marka hore qeexayaa garsoorka iyo casriyeynta, sidaas oo kale waxa uu qeexayaa qeybaha casriyeynta garsoorka iyo hawlaha muhiimka ah ee garsoorku bulshada u qabto.

Daraasaddu waxa ay si weyn uga hadlaysaa sooyaalka garsoorka Soomaaliya laga soo billaabo gumeystaha ka hor ilaa wakhtigan casriga ah, iyada oo marxalad kasta si gaar ah u dul istaagtay, una falanqeysay.

Qoraalku waxa kale oo uu si faahfaahsan u dul istaagi doonaa casriyeynta garsoorka Soomaaliya ee uu ku tallaabsaday muddadii uu garsoorku jiray, iyada oo si gaar ah uu diiradda u saari doono burburkii ka dib.

Gunaanadka, qoraalku waxa uu soo jeedinayaa talooyin loogu talagalay in lagu xoojiyo casriyeynta garsoorka Soomaaliya, si kor loogu qaado adeegga caddaaladeed ee uu bulshada u hayo.

1. Hordhac

Qoraalkan waxa uu iftiiminayaa xaaladda garsoorka Soomaaliya iyo baahida loo qabo casriyeyn dhab ah si loo xoojiyo nidaamka caddaaladda. Burburkii Dawladnimada ee Soomaaliya ayaa keenay in la waayo hay'adaha muhiimka ah ee Dawladdu ku shaqeynaysay, taas oo saameyn xun ku yeelatay hannaanka garsoorka. Sidaa darteed, waxaa lagama maarmaan ah in dib loo dhiso oo la casriyeeyo hay'adaha garsoorka, si ay ula jaanqaadaan isbeddellada casriga ah iyo baahiyaha bulshada.

Qoraalku waxa uu bixin doonaa falanqeyn qoto dheer oo ku saabsan sooyaalka garsoorka Soomaaliya laga soo billaabo wakhtigii gumaystaha ilaa maanta, iyada oo si gaar ah diiradda loo saari doono marxaladaha kala duwan ee taariikhda iyo saameynta ay ku yeelatay hannaanka caddaaladda. Inta lagu guda jiro daraasaddan, waxaa sidaas oo kale la eegi doonaa mabaadi'da casriyeynta garsoorka, oo ay ka mid tahay horumarrinta tignoolajiyada, madax-bannaanida garsoorka, iyo helitaanka caddaaladda.

Ugu dambeyn, qoraalku waxa uu soo jeedin doonaa talooyin ku saabsan sidii loo xoojin lahaa casriyeynta garsoorka Soomaaliya, si loo gaaro adeeg caddaaladeed oo hufan, loona hubiyo in dhammaan bulshada ay helaan caddaalad si siman. Tani waxa ay ka mid tahay dadaallada lagu doonayo in dib loogu dhiso kalsoonida shacabka ee hannaanka garsoorka, iyada oo la xoojinayo mabaadi'da dimoqraadiyadda iyo xuquuqda aadanaha.

1.1. Habraaca Loo Maray Diyaarrinta Qoraalka

Diyaarrinta qoraalkan waxaa loo maray in la daraaseeyo sooyaalka iyo taariikho kala duwan oo uu soo maray garsoorka Soomaaliyeed laga soo billaabo gumaystaha ka hor, waakhtigii gumeystaha, dawladihii kale dambeeyay, burburkii ilaa wakhtigan casriga ah. Daraasaddu waxa ay ku tiirsan tahay xog aas'aasi ah (Primary) iyo kuwo aan asal ahayn (Secondary). Waxa intaas dheer, in la daraaseeyay qoraallo cilmiyeed, buugaag, maqaalo cilmiyeed iyo mareego elektaroonik ah oo kala duwan ba. Waxan ka maqnayn oo udub dhexaad u ah cilmibaadhistan waraysiyo kala duwan oo lala yeeshay aqoonyahanka bahda garsoorka oo ay ku jiraan qareeno, garsoorayaal iyo xubno xilal ka haya garsoorka federaalka.

1.2. Baaxadda iyo Xaddidaadaha Cilmibaadhistan

Baaxadda cilmibaadhistan waxa ay diiradda saareysaa waaqica garsoorka Soomaaliya, gaar ahaan casriyeyntiisa iyo dib-u-dhiska hay'adaha garsoorka. Ugu horreyn cilmibaadhistan ayaa ka hadlaysa qeexidda iyo muhiimadda casriyeynta,

iyada oo la eegayo tignoolajiyada, madaxbanaanida garsoorka, dib-u-habaynta sharciga, iyo helitaanka caddaaladda. Sidaas oo kale cilmibaadhistu waxa ay ka hadlaysa hawlaha muhiimka ah ee Garsoorka: **Sida garsoorku u xaliyo khilaafaadka, u ilaaliyo xuquuqda, iyo doorka uu ku leeyahay nidaamka dimuqraadiga.** Qoraalku waxa uu baadhayaa sooyaalka garsoorka laga soo billaabo gumaystihii, isagoo falanqeynaya marxaladaha kala duwan ee uu soo maray, oo ay ku jiraan Dawladihii rayidka ahaa, dawladdii militariga, burburkii Dawladnimada, iyo dadaallada cusub ee lagu xoojinayo nidaamka garsoorka. Ugu dembayn, cilmibaadhistan ayaa ahmiyad gaar ah siinaysa waaqica garsoorka isla markaana samaynaysa soo jeedino ku saabsan hababka lagu xoojin karo adeegyada caddaaladeed iyo casriyeynta garsoorka Soomaaliya.

Cilmibaadhistan waxa ay leedahay xaddidaado dhowr ah: **Daraasaddu waxa ay ku tiirsan tahay xog ururin ka timid ilo kala duwan, oo ay ku jiraan qoraallo cilmiyeed, waraysiyo, iyo xeerar sharci.** Si kastaba ha ahaatee, helitaanka xog sax ah iyo waqtigeeda ayaa mararka qaar xaddidan, gaar ahaan xilliyada burburka iyo fowdada. Sidaas oo kale, Falanqeynta taariikhda garsoorka Soomaaliya waxa ay ku kooban tahay waqtigii gumaysiga ilaa waqtiga casriga ah. Tani waxa ay ka dhigan tahay in marxalado hore oo muhiim ah, sida dhaqamada maxalliga ah ama siyaasadaha gaarka ah ee gobollada, laga yaabo in aan si buuxda loo daboolin. Dhanka kale, waraysiyada laga qaaday aqoonyahanka kala duwan waxa ay ku xidhan yihiin aragtiyada ooda shaqsiyeed iyo khibradooda.

2. Qeexitaanno

2.1. Casriyeynta Garsoorka

Casriyeynta Garsoorka: waxa loola jeedaa habka dib-u-habaynta iyo tayeynta garsoorka si loo horumariyo waxtarka garsoorka, loo fududeeyo helitaankiisa oo laga dhigo mid bulshadu si siman u heli karto, iyada oo aan ku dhibtoon, iyo la jaanqaadida qiyamka dimoqraadiga ah ee casriga ah iyo halbeegyada xuquuqul-insaanka. Haddaba, casriyeynta garsoorku waxa ay ka kooban tahay dhawr arrimood oo muhiim ah sida:

- **Horumarka Tignoolajiyada:** Casriyeynta garsoorku waxa ay inta badan ku lug leedahay in tignoolajiyada lagu daro hababka garsoorka ama tignoolajiyadu noqoto udub-dhexaadka garsoorka. Tan waxaa ka mid ah hirgelinta nidaamyada galalka ee elektaroonigga ah, maareynta kiisaska dhijitaalka ah, iyo helitaanka diiwaannada maxkamadda hab casri ah ama online, in lagu gali karo dacwadaha qaab fogaan arag ah oo aanay qofna u baaqanayn, arrimahan oo dhammaan fududaynaya hawlaha caddaaladda,

isla markaana horumarrinaya helitaanka dadweynaha ee caddaaladda qaab sahlan oo dhib laga mudan.¹

- **Madaxbanaanida Garsoorka:** Arrimaha muhiim ah oo ka mid ah casriyeynta garsoorka ayaa ah in garsoorku ka madax banaanaado saamaynta siyaasadeed. Tani waxa ay ka mid noqon kartaa in la dhiso goleyaal garsoor oo madax-banaan iyo in dib u habayn lagu sameeyo habraaca magacaabista garsoorayaasha, si loo hubiyo in lagu soo xulayo karti, si kor loogu qaado daacadnimada iyo dhexdhexaadnimada nidaamka garsoorka.²
- **Dib-u-habaynta Sharciga:** Casriyeyntu waxa ay sidaas oo kale u baahan tahay oo lagama maarmaan u ah cusboonaysiinta sharciyada iyo qaab-dhismeedka sharciga, si ay u muujiyaan qiyamka bulshada ee casriga ah iyo heerarka caalamiga ah ee xuquuqul-insaanka. Tan waxaa ka mid ah hubinta in sharciyadu yihiin kuwo loo siman yahay oo caddaalad ah, sidaas oo kale na la jaanqaadaya casrigan hadda lagu jiro oo aanay ahayn kuwa qadiim ah oo laga guuray.³
- **Helitaanka Caddaaladda:** Casriyeynta garsoorku waa in la xaqiijiyo helitaanka caddaaladda ee dhammaan dadka oo dhan, gaar ahaan kooxaha nugul iyo kuwa la hayb-sooco. Hababka lagu gaadhi karo helitaan caddaaleed oo loo siman yahay waxa ka mid ah wacyigelinta bulshada, iyo fududaynta adeegyada caddaaladda, si looga dhigo kuwo si fudud ay ku gaadhi karaan dadweynaha guud ahaan.⁴
- **La jaanqaadida Heerarka Caalamiga ah:** Casriyeyntu waxa ay ka dhigtaa garsoorka dalka mid la jaanqaadi kara nidaamka garsoorka ee caalamiga ah, xeerarka caalamiga ah iyo hababka ugu wanaagsan, oo ay ku jiraan u hoggaansanaanta mabaadi'da sida nidaamka caddaaladda leh, xuquuqaha maxkamadaynta caddaaladda ah, iyo mamnuucidda jidhdilka iyo si bini'aadanimada ka baxsan. Is-waafajintani waxa ay lama huraan u tahay ilaalinta xuquuqda aadanaha ee qaabka garsoorka iyo casriyeynta ba.⁵

¹ Cui, Y. "Artificial intelligence and judicial modernization. (2020)" Singapore: Springer.

² Hammergren, L. "Envisioning reform: conceptual and practical obstacles to improving judicial performance in Latin America. (2007)." Penn State Press.

³ Ibid

⁴ Ibid

⁵ Castillo-Ortiz, P. "Modernization, Democracy, and Judicial Governance. In Judicial Governance and Democracy in Europe (pp. 33-45) (2023)." Cham: Springer Nature Switzerland.

2.2. Garsoorka:

Garsoorka: waxa loola jeedaa laanta dawladda ee masuulka ka ah fasiraadda, dabiqitaanka ku dhaqanka, iyo fulinta sharciyada. Waxa ay door muhiim ah ka ciyaartaa nidaamka sharciga, iyada oo ka garnaqda khilaafaadka, ka shaqeeya xaqiijinta caddaaladda, ilaalinta xuquuqda iyo ku dhaqanka sharciga. Garsoorku waxa uu u shaqeeyaa si ka madax bannaan laamaha fulinta iyo sharci dejinta, taasoo lagama maarmaan u ah ilaalinta, hubinta iyo isku dheelitirka nidaamka dimuqraadiga ah.⁶ Si kooban haddii loo qeexana, “**Garsoorka**” marka loo eego qaab sharci ah waxa uu tilmaamayaa nidaamka maxkamadaha iyo garsoorayaasha dabaqa sharciga, iyaga oo adeegsanaya magaca ummadda ama qaranka. Dhanka Xeerka Nidaamka Garsoorka haddii la fiiriniyana, Qodobka 15aad ee xeerkaas ayaa odhanaya “Garsoorka waxa uu ka kooban yahay xubnaha garsooridda iyo xubnaha dacwad oogista ee darajo kasta”. Dastuurka ku meel gaadhka ah na, qodobka 106 ee Dastuurka ayaa sheegaya sidan “garsoorku waxa uu ka madax-bannaan yahay laamaha Dawladda ee Sharci-dejinta iyo Fulinta marka ay gudanayaan xilkooda. Xubnaha garsoorku waxa ay u hoggaansamayaan oo keliya sharciga.”

2.3. Hawlaha Muhiimka ah ee Garsoorka

Xallinta Khilaafaadka: Garsoorku waxa uu xalliyaa khilaafyada u dhexeeya shakhsiyaadka, ururada, iyo dawladda ba. Waxa uu ka garnaqaa dacwadaha madaniga ah, kuwaas oo ku lug leh murannada xuquuqaha iyo waajibaadka, iyo dacwadaha ciqaabta, halkaas oo ay dawladdu ku oogto shakhsiyaadka lagu soo eedeeyay inay ku xad-gudbeen sharciyada iyo dacwadaha maamulka ee lidka ku ah go’aanada kama dambeysta ah ee ka soo baxa hay’adaha dawladeed iyo dhammaan dacwadaha kale ee sharcigu u jideeyay inay ka garnaqi karaan.⁷

Fasiraadda Sharciyada: Maxkamaduhu/Garsoorayaashu waxa ay tarjumaan xeerarka iyo qodobbada dastuuriga ah, si loogu dabaqo kiisaska gaarka ah. Shaqadan tafsiiiradu waxa ay muhiim u tahay caddaynta sharciga iyo hubinta ku dhaqankiisa joogtada ah.⁸

Ilaalinta Xuquuqda: Garsoorku waxa uu ilaaliyaa xuquuqda iyo xorriyadaha shakhsiga ah, iyada oo dib u eegis ku sameeya sharciyada iyo

⁶ Harlow, C. "Judicial Independence in the Age of Democracy." (2002). American Journal of Comparative Law, 50(4), 581-601

⁷ Openstax, (2024), <https://openstax.org/books/introduction-political-science/pages/11-1-what-is-the-judiciary>

⁸⁸ Ibid

tallaabooyinka dawladda si loo hubiyo in ay u hoggaansamaan dastuurka dalka u yaal. Tan waxaa ka mid ah awoodda dib u eegista ee uu iska leeyahay garsoorku, halkaas oo maxkamaduhu ay burin karaan dhammaan sharciyada ka hor imanaya ama khilaafaya dastuurka ee aan gebi ahaan ba la jaanqaadi karrin.⁹

Madaxbanaanida Garsoorka: Mabda'a aasaasiga ah ee garsoorku waa ka madax banaanida saamaynta siyaasadeed. Madaxbanaanidani waxa ay muhiim u tahay garsoor cadaalad ah oo dhexdhexaad ah, taasoo u ogolaanaysa garsoorayaasha inay go'aano ku gaadhaan hab ku salaysan sharciga iyo xaqiiqooyinka kiis kasta.¹⁰

La Xisaabtanka Dadweynaha: Iyada oo garsoorku uu si madax-bannaan u shaqeeyo, haddana waa mid uu la xisaabtamayo dadweynahu. Xisaabtanka waxaa lagu gaadhaa habab kala duwan, oo ay ku jiraan hababka racfaanka, dib u eegista garsoorka, kormeerka iyo la xisaabtanka uu guddida adeegga garsoorku ku sameeyo garsoorka.¹¹

3. Sooyaalka Garsoorka Soomaaliya

Sooyaalka Garsoorka rasmiga ah ee Soomaaliya waxa uu ka soo billaabmay wakhtigii gumaystaha, wakhtigaas oo labadii gumeyste ee Ingiriiska iyo Talyaanigu ay kala xukumayeen dalka (Ingiriiska oo ka talinayay qeybta Waqooyi iyo Talyaaniga oo ka talinayay Koonfurta). Labada nidaam ee gumaystuhu waxa ay Soomaalida u ogolaadeen in ay u adeegsadaan shareecada iyo xeer dhaqameedka arrimaha qoyska (sida furriinka, dhaxalka), balse dacwadaha kale waxa ay hoos imanayeen maxkamado sharci ah oo si toos ah u hoos imanaya maamulka gumaysiga. Waxa ay labada nidaam ee gumaystuhu ku yeesheen saamayn qoto-dheer hannaankii cadaaladda ee Soomaaliya xornimada ka dib.¹²

Sooyaalka Garsoorka Soomaaliya waa mid soo maray marxalado kala duwan oo mid walba ay leedahay duruufaheeda, waayaheeda iyo saameynteeda gaarka ah ha noqoto mid togan ama mid taban ba, marxaladahaasi oo ka soo billaabmay wakhtigii gumaysiga, dawladdii rayidka ahayd, dawladdii militariga ahayd, wakhtiigii burburka dawladdnimada iyo burburkii ka dib.

⁹ Ibid

¹⁰ Dyk, T. B. "The Role of Non-Adjudicative Facts in Judicial Decision making (2023)." Stan. L. Rev. Online, 76, 10.

¹¹ Ibid

¹² Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies, and Procedures, Heritage Institute for Policy Studies, January 2021: <https://8v90f1.p3cdn1.secureserver.net/wp-content/uploads/2021/01/Justice-Report-Jan-6-1-1.pdf>.

3.1. Wakhtigii Gumaystaha

Gumaystuhu sida tooska ah markii uu qabsaday geyiga Soomaaliyeed, Ingiriisku waxa uu maxmiyad ka dhigtay Waqooyiga, halka uu Talyaanigu qabsaday dhanka Koonfurta Soomaaliya. Labada maamul ee gumaystuhu waxa ay ku soo rogeen nidaam sharci oo iyaga u gaar ah. Maxmiyadda Ingiriiska ee Somaliland, nidaamka garsoorku waxa uu ka koobnaa dhawr maxkamadood oo leh kala duwanaansho cad, waxaana kamid ah xeer dhaqameed, shareecada iyo qaanuunka dawliga ah. Xeerka 1898 waxa uu aqoonsaday in Soomaalidu ku dhaqanto xeer dhaqameed, halka xeerar is xigxigay ay ku dhafeen shareecada arrimaha qoyska. Taa lidkeeda, gumaystihii maamulkii Talyaanigu bilowgii waxa uu ku dabaqay xeerarka ciqaabta iyo madaniga dadka ajaanibka hayeshee, gedaal ayuu ka ogaaday xeer dhaqameedka Soomaaliga oo uu ka sameeyay maxkamado u gaar ah shareecada. Dhamaadkii xilligii gumaysiga, nidaam garsoor oo saddex jaad ah ayaa samaysmay oo lagu dhaqayay Soomaali iyo ajaanib ba kaasi oo ka koobnaa Maxakamadaha degmada, gobolka, racfaanka iyo sare, taasi oo ay weheliso Maxakamadda Qaadiga oo ahaa arrimaha qoyska iyo muranada yaryar ee madaniga ah.¹³

Inkasta oo ay kala duwanaayeen nidaamka sharci ee labada maamul ee gumsaystaha Ingiriiska iyo Talyaanigu, haddana waxa nidaamka garsoor ee ay samaysteen kuna maamulayeen Soomaalidu uu ahaa mid isku mid ah marka laga eego dhinacyo dhawr ah; waxa uu ahaa mid mudnaanta siinaya sharciga reer galbeedka (Western law) marka ay noqoto dembiyada waaweyn, xeer dhaqameedka oo loo oggolaaday in lagu xaliyo arrimaha dhaqanka Soomaalida iyada oo shardi looga dhigay in aan wax dhibaato ah ama khatar ah loo geysanin nidaamka guud iyo ugu dambeyntii in habab garsoor oo madaxbannaan la sameeyay, si loogu dabaqo shareecada Islaamka arrimaha qoyska iyo arrimaha madaniga ah ee yaryar.¹⁴

3.2. Madax-bannaanida Ka dib: Xilligii Dawladda Rayidka ah

Xornimadii 1960-kii, markii labadii gobol ee Waqooyi (British Somaliland) iyo Koonfur (Italian Somaliland) ay midoobeen si ay u sameeyaan Jamhuuriyadda Soomaalida (Somali Republic), afar sharci oo kala duwan—**Sharciga Guud ee Ingiriiska** (British Common Law), **Sharciga Talyaaniga** (Italian Continental law), **Shareecada Islaamka** iyo **Xeer-dhaqameedka Soomaaliya**—ayaa isku mar wada shaqaynayay. Dawladda Soomaaliya ayaa dhistay **Guddiga Wadatashiga ee Is-dhexgalka Nidaamyada Sharci**, si ay uga soo talo bixiyaan sidii loo abuuri lahaa hannaan caddaaladeed oo mideysan. Guddidan ayaa gacan ka geystay

¹³ Le Sage, A. "Stateless Justice in Somalia. (2005):

https://www.files.ethz.ch/isn/20303/Somalia_stateless_justice.pdf

¹⁴ Ibid

diyaarrinta sharciyo muhiim ah oo ujeedkoodu ahaa in wax looga qabto dhibaataada jirtay ee kala duwanaanshaha iyo isku dhexdaadsanaanta dhanka sharciga, xog ururin, falanqeyn iyo shaqeyn dheeraad ah ka dib, waxa ay natijadeedu noqotay in la soo saaro XEERKA NIDAAMKA GARSOORKA (Xeer No: 3 ee soo baxay 12 Juun 1962).¹⁵

Xeerkan oo ah kan ilaa maanta dhaqangalka ah ee qaabeeya nidaamka caddaaladda ee Soomaaliya ayaa ka dhigay in nidaamka maxkamaduhu noqdo Maxkamadaha degmada, Maxkamadda Gobolka, Maxkamadda Rafcaanka iyo Maxkamadda Sare oo xarunteedu tahay Muqdisho, awoodeeduna ku baahsan tahay dhammaan dalka Jamhuuriyadda, isla markaana geli karta halkii Maxkamadda Dastuurka iyo Maxkamadda Sare ee Cadaaladda. Sidaas oo kale, xeerkan ayaa aasaasay Xafiiska Xeer-ilaaliyaha Guud ee Qaranka si uu u xaqiijiyo ilaalinta sharciga, una ilaaliyo xuquuqda dawladda, hay'adaha dawladda, danyarta iyo naafada.¹⁶

Intaa waxaa dheer, isdhexgalka garsoorka iyo ansixinta Xeerka Nidaamka Garsoorku waxa uu horseeday soo bandhigidda dhowr xeer oo muhiim ah, oo ay ku jiraan **Xeerka Cigaabta** (1962), **Xeerka Habka Cigaabta** (1963), **Sharciga Dambiyada Militariga** (1963), iyo **Xeerka Taraafikada** (1962), oo ay weheliyaan xeerar kala duwan oo lagu maamulo shaqada iyo arrimaha badda. In kasta oo la sameeyay dedaal iyo horumar la rabay in garsoorka iyo sharciyada dalka laga gaadho, haddana si kastaba ha ahaatee, dib-u-habayntani may yeelan saamayn xooggan oo guud ahaan dalka oo dhan ah runtii. Iyada oo maxkamadaha waqooyi ay ku tiirsanaayeen oo ay adeegsanayeen Xeerka Guud ee Ingiriiska (Common Law) marka ay noqoto dacwadaha madaniga iyo cigaabta halka maxkamadaha koonfurta ay si buuxda u aqbaleen shuruucda cusub, oo ay dabaqeen xeerarka madaniga iyo cigaabta cusub.¹⁷ Natijjo ahaan, waxa ay taasi sababtay in maxkamadaha Soomaaliya oo dhan ay sii wadeen ku dhaqanka shuruuc kala duwan.

3.3. Wakhtigii Dawladda Militariga

Taliskii militariga ee xukunka la wareegay 1969kii waxa uu laalay Dastuurkii 1961-kii, isagoo dhammaan awoodaha sharci dejinta, fulinta, iyo garsoorka u dhiibay Golaha Sare ee Kacaanka sida ku xusan Sharciga No. 1 (21 Oktoobar 1969). Bilawgiiba waxaa meesha laga saaray Maxkamada Sare iyo Maxkamada Dastuuriga,

¹⁵ Academy for Peace and Development - APD. (2002). "The Judicial System in Somaliland." <https://apd-somaliland.org/wp-content/uploads/2014/12/JUDICIARY-REPORT-FINAL.pdf>

¹⁶ Xeerka Nidaamka Garsoorka, (Xeer No: 3 ee soo baxay 12 Juun 1962), http://www.somalilandlaw.com/Organisation_of_Judiciary_Law_1962_English.pdf

¹⁷ Le Sage. Ibid.

waxaana la dhimay awoodihii Maxkamadaha kale iyada oo la raacayo wareegto Lr.12 (25 Oktoobar 1969), Inkasta oo markii dambe la soo celiyay Maxkamadda Sare.¹⁸

Dawladdii Soomaaliya maadaama ay siyaasad ahaan la safatay Midowgii Soofiyeeti si loo waafajiyo mabaadi'da Hantiwadaagga, 1973kii, dawladdu waxa ay samaysay xeer madani ah oo cusub kaas oo beddelay xeerar dhaqameed badan oo ku saabsan dhaxalka, qandaraasyada, iyo xuquuqda daaqsinka. Xeerkani waxa uu xaddiday saamaynta shareecada iyo dhaqanka Soomaalida. Waxa uu wax ka baddelay hannaankii diyada ee ahaa in reeruhu ay qeybsadaan masuuliyadda bixinta magdhawga dhimasho iyo dhaawac. Sannadkii 1975-kii, dawladdu waxa ay sidaas oo kale ansixisay Xeerka Qoyska, kaas oo haweenka siinaya xuquuq la siman ta ragga oo ay ku leeyihiin dhaxalka hantida, taas oo sii yaraynaysa doorka shareecada ee arrimaha qoyska.¹⁹

3.3.1. Asaaskii Maxkamadda Badbaadada

Aasaaskii Maxkamada Badbaadada waxa ay astaan u ahayd isbeddel weyn oo ku yimid hannaanka garsoorka Soomaaliya, taas oo ka tarjumaysay hab-dhaqankii dawladdii militariga ahayd. Waxaa lagu aasaasay Sharciga Dhismaha Maxkamadda Badbaadada (Sharciga Lr. 03 10 Jan. 1970).²⁰ Maxkamadda Badbaadada waxaa loo qorsheeyay inay ku shaqayso si ka baxsan qaab-dhismeedka sharciga ee caadiga ah. Maxkamaddu waxa ay xarumo ku lahayd caasimadda iyo gobolada dalka, waxa ay si toos ah u hoos imanaysay laanta fulinta, gaar ahaan taliskii militariga ahaa, waxaana loo adeegsaday in lagu cabudhiyo dadka, halkii ay ka ahaan lahayd maxkamad ka shaqeysa cadaaladda.²¹

Maxkamaddu waxa ay lahayd awood xad dhaaf ah, taas oo u ogolaanaysay inay samayso xadhig iyo fatashaad, iyada oo aan raacin jidka sharciga ah ee dalka u yaal. Waxa ay noqotay astaanta ugu awoodda badan ee nidaamka cadaaladda, iyada oo meesha ka saartay dhammaan awoodihii maxkamadaha kale ee dalka. Waxa aanay gebi ahaan ba tirtirtay xaqa racfaan qaadashada, iyada oo u diiday in shakhsiyaadka ay xukun ku rido aanay marnaba lahayn xaq ay uga racfaan qaataan, si dacwadooda mar kale loo dhageysto. Xubanaha maxkamaddu waxa ay ahaayeen xubno ciidan ah oo laga soo magacaabay ciidamada qalabka sida. Maxkamaddu waxa ay ikhtisaas u lahayd inay ka garnaqdo dembiyada ku xusan Xeerka Ciqaabta Soomaaliyeed gaar ahaan dembiyada lidka ku ah qaranka Soomaaliyeed, dembiyada saameeya

¹⁸ Le Sage. Ibid.

¹⁹ APD. Ibid.

²⁰ Sharciga Dhismaha Maxkamadda Badbaadada, (Sharciga Lr. 03 10 Jan. 1970)

²¹ APD. Ibid.

nidaamka bulshada iyo dhammaan waxii dembi ah ee Golaha Sare ee Kacaanku sheegay inuu xad-gudub ku yahay amniga qaranka.²²

Hirgelinta Maxkamadda Badbaadada iyo go'aamo badan oo Golaha Sare ee Kacaanku soo saaray ayaa meesha ka saaray madax-banaanida garsoorka, la wiiqay mabaadi'da cadaaladda lana abuuray jewi kale oo naxariis darro ah. Garsoorka iyo maxkamada waxa buux dhaafiyay dad badan oo daacad u ah taliskii Militariga ahaa ee dalka xukumayay, waxa aanay ku shaqeynayeen amarka iyo doonista Golaha Sare ee Kacaanka. Ugu dambeyn, Isbeddelka garsoorku waxa uu noqday qeyb muhiim ah oo ka mid ah dadaallada taliska ee lagu ilaalinayo xakamaynta wax kasta oo khatar ku ah maamulkiisa.²³

Ka hor 1969kii, Soomaaliya waxa ay lahayd garsoor madax-bannaan oo ka kooban saddex heer, isla markaana raacaya xeerarka dalka u yaal sida Xeerka Ciqaabta iyo Xeerka Habka Ciqaabta. Si kaste ha ahaatee, 1987kii ama ka hor burburkii dawladnimada Soomaaliya, garsoorku waxa uu noqday mid magac ahaan uun u jira, bulshaduna u arkaysay xarun musuqmaasuq. Maxkamadda Sare iyo maxkamadaha rafcaanku ma aanay ahayn kuwa si sax ah u shaqeynayay. Garsoorayaasha ayaa ahaa kuwo ku shaqeynayay xaalad mushahar xumo ah, waxa ayna inta badan qaadan jireen go'aamo ay saameyn ku yeesheen cadaadiska siyaasadeed. Markii ay dawladdu burburtayna, garsoorayaashu waxa ay gabbaad iyo badbaado ka raadsadeen deeganada ay ka soo jeedaan, iyaga oo qaarkood ay u suuragashay inay bixiyaan caddaalad ay bulshadu aqbashay.²⁴

3.4. Burburkii Dawladnimada (1991 – 2000)

Ka dib markii ay burburtay Dawladdii dhexe ee Soomaaliya 1991-kii, waxaa dalka soo wajahay fowdo badan. Markii Madaxweyne Siyaad Barre xukunka laga tuuray, waxaa sidaas oo kale burburay nidaamkii cadaaladda ee rasmiga ahaa. Taasi waxa ay keentay in gobollo kala duwan oo Soomaaliya ka mid ah ay ka bilowdaan sharciyo iyo dhaqamo kala duwan. La'aanteed dawlad xoog leh oo sharciga fulisa, meelo badan ayaa la kulmay waxa inta badan loo yaqaan "sharciga kaynta—Jungle Law." Si kastaba ha ahaatee, xitaa fowdadaas, beelaha Soomaaliyeed waxa ay weli ku tiirsanaayeen hab-dhaqameedkoodii xallinta khilaafaadka ee loo yaqaan Xeer-dhaqameedka Haddaba, iyada oo nidaamka guud ee sharcigu burburay, haddana Xeer-dhaqameedku waxa ay bulshadu ku soo gudubtay xilli aad u adag.²⁵

²² Le Sage. Ibid.

²³ Ibid.

²⁴ Ganzglass, Martin R. "The restoration of the Somali justice system". (2007).

²⁵ Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies, and Procedures, Heritage Institute for Policy Studies, January 2021

3.4.1. Somaliland

Sida ka dhacday dalka oo dhan, waxaa gabi ahaanba burburay nidaamkii garsoorka ee rasmiga ahaa ee gobolada waqooyi—Somaliland ka jiray intii lagu jiray dagaaladii sokeeye ee lagu riday dawladdii Militariga ahayd. Sannadkii 1993-kii, shir beeled ka dhacay magaalada Boorama ayaa lagu heshiiyey in dib u dhiska nidaamka sharciga lagu billaabo xeerka nidaamka garsoorka ee ku saleysan shuruuc ay soo saartay Dawladdii Soomaaliya ka hor afgembigii militariga 1969-kii. 1997-kii ayaa la ansixiyay dastuur ku meel gaadh ah. Dastuurka oo aakhirii lagu ansixiyay afti dadweyne sannadkii 2001, in dhammaan shuruucdii jiray ee aan ka hor imanayn shareecada Islaamka, xuquuqaha shakhsiga iyo xorriyaadka aasaasiga ah ay ka sii jiri doonaan dalka Jamhuuriyadda Somaliland ilaa inta laga soo saarayo xeerar waafaqsan Dastuurka Jamhuuriyadda Somaliland.²⁶ Si la mid ah qaabkii hore ee garsoorka Soomaaliya u dhisnaa burburka ka hor, Garsoorka Somaliland isna waxa loo asaasay hannaan saddex-heer ah oo ay ka mid yihiin maxkamadda sare, maxkamadaha rafcaanka iyo maxkamadaha gobollada iyo degmooyinka.²⁷

3.4.2. Puntland

Puntland markii la asaasay 1998-dii, waxaa ay dib u yagleeshay nidaamka garsoorka oo ku saleysan xeerkii nidaamka garsoorka ee ay ansixiyeen Golaha Shacbiga ee Soomaaliya 1962-kii. Axdiga Puntland ayaa dejiyay in la isticmaalo shuruucdii iyo xeerarkii hore ee dalka u dejisnaa haddii aanay ka hor imanayn shareecada Islaamka iyo qodobada kale ee Axdiga Puntland ilaa inta lagu samaynayo xeerar cusub oo beddela. Axdigan, ayaa sidaas oo kale u qaabeeyay garsoorka Puntland saddex heer oo kala ah Maxkamadda sare oo ku taal caasimadda Puntland ee Garoowe, maxkamadaha racfaanka ee gobol kasta iyo maxkamadaha darajada koowaad ee heer gobol iyo heer degmo. Intaa waxaa dheer in axdigan uu soo kordhiyay maxkamad dastuuri ah oo gaar ah, taas oo u xilsaaran dhammaan arrimaha dastuuriga ah iyo ka tarjumidda dhammaan arrimaha iyo ismaandhaafka ka yimaada axdigan iyo qawaaniintiisa kale.²⁸

Xeerka Nidaamka Garsoorka Dawlad-Gobolleedka Puntland ee Xeer Lr.2 soona baxay 1999, waxa uu u qaabeeyey Nidaamka Maxkamadaha saddex heer. Heerka kowaad waxa uu ka dhigay Darajada koowaad oo waxa uu isku daray Maxkamada Degmada iyo Mida Gobolka, Degma kastana waxa ay yeelanaysaa Maxkamad.

²⁶ Elliesie, H. "Statehood and Constitution-Building in Somalia: Islamic Responses to a Failed State Get access Arrow. (2012)." https://www.researchgate.net/publication/299875631_Statehood_and_Constitution-Building_in_Somalia. pdf

²⁷ Le Sage. Ibid.

²⁸ "Axdiga Puntland. (1998)", <https://pdrcsomalia.org/wp-content/uploads/2019/09/Axdiga-Puntland-1998.pdf>

Heerka Labaadna waa Maxkamadda Racfaanka oo gobol kasta uu yeelanayo hal maxkamad racfaan. Heerka Saddexaadna waa Maxkamada Sare oo xarunteedu noqonaysa Magaala-madaxda ee Garoowe.²⁹

Sidaas oo kale Puntland waxa kale oo ay dhistay Golaha Sare ee Garsoorka oo la mid ah kii ka jiray Dawladii dhexe 1960-kii, si ay u kormeeraan waaxaha garsoorka. Xafiiska Xeer-Ilaaliyaha Guud waxa uu sidaas oo kale ka shaqeeyaa gudaha waxaanu ka tirsan yahay Garsoorka.³⁰

3.5. Dawladihii Ku-Meel-Gaadhka ahaa (2000 – 2012)

Shirkii nabadda ee Carta (Jabuuti) ee dhacay sannadii 2000, waxa lagu ansixiyay Axdiga Qaranka ee ku-Meel Gaadhka ah.³¹ Axdigaas oo ka koobnaa 38 qodob ayaa nidaaminayay qaab dhismeedka Jamhuuriyadda, rukunada iyo mabaadi'ida ay ku taagan tahay, waxaana qodobka 1aad ee axdigaas uu u dhignaa sidan: ***“Nidaamka Dawladda Cusub ee Jamhuuriyadda Soomaaliyeed waa ku-meel gaar (KMG), madax-bannaan, dimoqraadi ah oo ku dhisan Shareecada Islaamka, caddaalad, sinnan, nabad, shaqo iyo horumar, dhawraysana sharciga, sharafta qofka iyo xurmada bulshada.”*** Axdigan ayaa dib u hawlgaliyay Dastuurkii Jamhuuriyadda Soomaaliya ee 1960kii iyo shuruucdii kale ee qaranka oo aan ka hor imaaneyn axdigaan.³² Waxa intaas dheer, in axdigan uu si cad u ogolaaday in dalka ay awood sharci ku leeyihiin Qaanuunka Dawliga ah ee guud ahaan la aqoonsan yahay iyo heshiisyada caalamiga ah oo ay Jamhuuriyaddu qeyb ka tahay. Halka uu aqoonsaday Baaqa Qaramada Midoobay ee Xuquuqul-Insaanka iyo Axdiyada Xuquuqda Madaniga, Siyaasadda, Dhaqaalaha, Bulshada iyo Dhaqanka.³³

Nidaamka garsoorka ee dawladda ku-meel-gaadhka ah ee dhalatay 2000 ayaa loo qaabeeyay si heersare ah, si loo helo sharci iyo kala dambeyn guud ahaan Soomaaliya. Waxaa la aasaasay Golaha Sare ee Garsoorka, si loo ilaaliyo madaxbannaanida garsoorka, balse marnaba ma uu noqon mid ka hirgalay meel ka baxsan Muqdisho, waxa uuna noqday Garsoor ku kooban Muqdisho oo iyada lafteeda markaas ay ka talinayeen awoodo kala duwan. Garsoorkan awooddiisu aanay ka baxsanayn Caasimadda ayaa ka koobnaa Wasiirka Cadaaladda, Xeer-Ilaaliyaha Guud ee Qaranka, Maxkamadda Sare (afar garsoore), Maxkamadda Gobolka

²⁹ “Xeerka Nidaamka Garsoorka Dowlad Gobolleedka Puntland. (1999)”, https://puntlandparliament.com/wp-content/uploads/2024/06/Nidaamka-Garsoorka_0001.pdf

³⁰ Le Sage. Ibid.

³¹ APD. Ibid.

³² “Axdiga Qaranka ee ku-Meel Gaarka Ah. (2000)”, <https://somalitalk.com/dastuur/dastuur2000.pdf>

³³ Ibid.

Banaadir iyo lix maxkamadood oo degmo ah kana hawlgalayay Muqdisho, xabsiga dhexe ee Xamar iyo ciidanka booliiska. Garsoorka ayaa ku sii shaqeynayay Xafiisyo ku yaalla dhismayaashii hore ee maxkamadaha Soomaaliya ee degmada Xamar Weyne—isla goobihii ay dawladdii Militariga ahayd ku shaqayn jirtay. Ugu dambeyn, sannadkii 2003dii waxa meesha ka baxay shaqadii garsoorkii dawladda ku-meel-gaadhka ah maadaama la bixin waayay mushaharaadka.³⁴

Sannadkii 2004tii, Dawladdii ku-meel-gaadhka ahayd waxa lagu baddelay Dawladda Federaalka ku-mee- gaadhka ah.³⁵ Axdiga Federaalka ah iyo Dawlad KMG ah ee lagu ansixiyay shirkii nabadda ee Kenya ayaa si aad ah ugu dhow axdigii ka horreeyay ee lagu ansixiyay Jabuuti. Axdigan cusub ayaa shareecada Islaamka saldhig uga dhigay shuruucda qaranka. Waxa uu Hab-dhismeedka Maxkamadaha ka dhigay Maxkamadda Sare ee ku-meel-gaadhka ah, Maxkamadda Racfaanka ee ku-meel-gaadhka ah, iyo Maxkamadaha kale ee sharcigu dhiso.³⁶ Tan ugu dambaysa oo fursad siinaysa dhismaha maxkamadaha kala duwan ee ku salaysan hannaanka federaalka ee uu dalku qaatay.³⁷

Axdigan ayaa xusay in Garsoorku uu ka madaxbanaan yahay awaamirta hay'ad kale, taas oo ah in Garsoorku uu ka madaxbannaan yahay hay'adaha xeer-dejinta iyo fulinta, marka ay gudanayaan xilkooda garsoor, waxa keliya ee ay u hoggaansamayaan xubnaha garsoorkuna uu yahay sharciga. Waxa kale uu axdigan aasaasay Guddiga Adeegga Garsoorka oo u xilsaaran anshaxmarrinta iyo xilka qaadista garsoorka.³⁸ Axdigan ayaa si qoto-dheer u sheegaya xasaanadda garsoorka waana in garsooraha aan dacwad ciqaab ah lagu soo oogi karrin, waxna la weydiin karrin, lana xidhi karrin. Iyada oo sidaas uu sharcigu qabo ayaa haddana waxa dhacday arrin ugub ah. Madaxweynihii wakhtigaasi Cabdillaahi Yuusuf Axmed ayaa amar ku bixiyay in xabsiga loo taxaabo guddoomiyihii maxkamadda sare.³⁹ Dhacdadan ayaa noqotay mid argagax ku abuurtay garsoorka, muujisayna sida loo bahdilay hay'adda garsoorka, kuna yeelatay saamayn taban nidaamka caddaaladda.⁴⁰

³⁴ Le Sage. Ibid.

³⁵ Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies, and Procedures, Heritage Institute for Policy Studies, January 2021

³⁶ "Ku Meelgaarka ah Jamhuuriyadda Federaalka Soomaaliya. (2004)", <https://dastuurka-bfs.so/so/wp-content/uploads/2020/03/2004-Feb-Axdiga-Federaaliga-kmg-Somali.pdf>

³⁷ Le Sage. Ibid.

³⁸ Axdiga DFKMG (2004). Ibid

³⁹ "BBC Somali. (2007)", https://www.bbc.com/somali/news/story/2007/09/070922_muqdisho

⁴⁰ Rebuilding Somalia's Broken Justice System: Fixing the Politics, Policies, and Procedures, Heritage Institute for Policy Studies, January 2021.

Wakhtigii dawladda Madaxweyne Sheekh Shariif Sheekh Axmed waxa la qaaday talaabooyin muhiim ah oo dib loogu dhisayo nidaamka caddaaladda dalka, markii ugu horeysay tan iyo burburkii dawladda iyo dagaaladii sokeeye. Waxa tallaabooyinkaas ugu mihiimsan in la sameeyay Guddiga Adeegga Garsoorka kuwaas oo ka masuul ah siyaasadda guud iyo maamulka garsoorka, si waafaqsan Axdiga ku-meel-gaadhka ah ee Jamhuuriyadda Federaalka Soomaaliya. Dhanka kale, muddo xileedka Madaxweyne Sheekh Shariif, waxa soo maray Maxkamadda Sare ee dalka laba guddoomiye (Dr. Xuseen Cabdi Cilmi iyo Dr. Caydiid Cabdillaahi Ilka-Xanaf), kuwaas oo hoggaamiyay maxkamadda sare iyo guud ahaan garsoorka dalka ba.⁴¹

Guddoomiyihii maxkamadda sare ee Dawladda KMG ah Dr. Xuseen Cabdi Cilmi ayaa xilka laga qaaday isaga oo xilkaas hayey keliya muddo laba bilood ah, wuuna ka biyo-diiday xil ka qaadistaas, isaga oo tilmaamay inaan sharciga loo marrin.⁴² Hasayeeshee, Madaxweyne Shariif ayaa hore ka magacaabay guddoomiye cusub, Dr. Caydiid Cabdillaahi Ilka-Xanaf, isaga oo magacaabistiisa ku sababeeyay in Garsoorka looga baahan yahay rag aqoon leh, isla markaana ka shaqeeya sidii shacabku ay u heli lahaayeen garsoor caddaalad ku dhisan.⁴³ Guddoomiye Caydiid oo ahaa garyaqaan bulshada si weyn looga dhex ixtiraamo ayaa isbeddel muuqda ku sameeyay nidaamka caddaaladda, waxa uuna xoojiyay, isla markaana horumariyay nidaamka garsoorka dalka ka jiray marka la barbardhigo kuwii ka horreeyay, inkasta oo ay jireen dhaliilo badan oo iyaguna dul hoganayay guddoomiyaha iyo qaabka uu u adeegsaday awoodaha badan ee gacanta ugu jiray.⁴⁴ Guddoomiye Caydiid, awood kasta oo uu lahaa haddana waxa uu u arkayay caqabad iyo inuu san ka tallaabsan karrin Guddiga Adeega Garsoorka, kuwaas oo awood u leh la socoshada laanta garsoorka, magacaabidda garsoorayaasha iyo guud ahaan inay miisaanto awoodda Guddoomiyaha Maxkamadda Sare.⁴⁵

3.6. KMG ka dib ilaa hadda: (2012 – 2024)

Dastuurka ku-meel-gaadhka ah ayaa la ansixiyay bishii Agoosto ee sannadkii 2012, waxa uuna meesha ka saaray Axdiga Federaalka Kumeelgaadhka ah. Dastuurkan ayaa ahmiyad gaar ah siiyay garsoorka, isaga oo cutubka 9aad si faahfaahsan ugaga hadlay awoodaha garsoorka, madaxbannaanida garsoorka iyo Golaha Adeega

⁴¹ Ibid.

⁴² "VOA Somali. (2011)", <https://www.voasomali.com/a/guddoomiyihii-maxkamadda-sare-oo-diiday-xil-ka-qaadis-lagu-sameeyay-119001684/1250904.html>

⁴³ "Somalitalk. (2011)", <https://somalitalk.com/2011/04/05/khilaafka-labada-shariif-oo-sameyn-weyn-ku-yeeshay-qaar-ka-mid-ah-rag-xilal-ka-hayey-dawladda-federaalka/>

⁴⁴ Heritage Institute. Ibid

⁴⁵ Ibid.

Garsoorka oo ah guddiyada madaxa bannaan kuwa ugu muhiimsa ama kan ugu muhiimsan ba. Guddidaas oo ka kooban 9 xubnood oo ka kala imanaya hay'adaha kala duwan ee dawladda, xilka hayn kara hal xilli oo shan sannadood ah, una leh awood inay magcaabaan, anshax mariyaan isla markaana beddelaan xubnaha garsoorka ee Federaalka.⁴⁶ In kasta oo dastuurka cusub dhigayo Golahan cusub, haddana waxa sii shaqeynayay golihii hore ee ku xusnaa Axdiga.

Madaxweyne Xasan Sheekh Maxamuud ayaa loo doortay madaxweynaha dalka bishii Sebteembar ee sannadkii 2012.⁴⁷ Waxa uuna ka dhigtay mid ka mid ah qorshihiisa siyaasadda ee uu ku soo ololeeyay, laguna doortay dhisidda nidaam garsoor iyo caddaalad madax-bannaan oo kalsooni iyo aaminaad ku qabta howshiisa, isla markaana dhowra xuquuqda iyo xoriyadda aasaasiga ah ee muwaadinka.⁴⁸ Horraantii sannadkii 2013kii, dawladdii cusbayd ee Madaxweyne Xasan Sheekh Maxamuud waxa ay qabatay shirka Wada-tashiga Qaran ee Dib-u-habaynta Caddaaladda Soomaaliya. Shirkan ayaa waxaa isugu yimid in ka badan 200 oo ergo ah si ay wax uga qabtaan caqabadaha in la dhiso nidaam caddaaladeed oo shaqeynaya, ka dib burburkii dagaaladii sokeeye. Ergooyinka ayaa ahaa wakiilo ka kala socday qeybaha bulshada Soomaaliyeed ee ay khuseyso arrimaha caddaaladda sida bahda garsoorka, qareenno iyo aqoonyahanno, mas'uuliyiin ka tirsan Dawladda, xildhibaanno, odayaal dhaqameed, culumaa'udiin, saraakiil ka tirsan booliiska, ururada haweenka, hay'adaha xuquuqul-insaanka, madaxda bulshada, xubnaha Qurbajoogta, iyo muwaadiniinta caadiga ah.⁴⁹

Shirkan arrimaha ugu muhiimsan ee ka soo baxay ayaa ahaa in la helo garsoor madax-bannaan kana fog farogelin siyaasadeed oo lagu sameeyo nidaamka caddaaladda, sameynta Machadka Tababarka Garsoorka, si kor loogu qaado tayada iyo xirfadda hawladeennada Garsoorka, Samaynta Guddiga Dib-u-habaynta Sharciga si ay u eegaan una cusboonaysiiyaan sharciyada jira iyo Dhisidda guddiga la-dagaalanka musuqmaasuqa. Waxa uu ahaa shirkii ugu horeeyay ee Soomaali hormuud ka tahay, laguna maalgeliyo Dib u Habeynta Caddaaladda iyo Dhismaha Hay'adaha Garsoorka ee taariikhda Soomaaliya casriga ah. Wada-tashiga Qaran waxa uu isu keenay dhammaan qeybaha kala duwan ee bulshada Soomaaliyeed, iyada oo la hubiyay in qof walba uu cod ku yeesho miiska wadhadalka. Muhiimad gaar ah, xuquuqda aadanaha iyo kooxaha haweenka ayaa si wanaagsan loo soo bandhigay. Talooyinku waxa ay ku baaqayaan in la sameeyo sharci ilaalinaya

⁴⁶ Dastuurka Ku Meel Gaarka. (2012),

https://www.parliament.gov.so/images/Downloads/Dastuurka_ku_meelgaarka_SOM_03092012-1_2.pdf

⁴⁷ BBC Somali. (2012), https://www.bbc.com/somali/war/2012/09/120910_xasan_shiikh.

⁴⁸ Goobjoog, (2015), <https://goobjoog.com/2015/09/10/maxaa-ka-qabsoomey-lixdi-tiir-ee-xasan-sheekh-sedex-sano-kadib/>

⁴⁹ Waraysi Abukaate Sakariye Ismaaciil Nuur.

xuquuqda haweenka, carruurta, iyo dadka naafada ah. Qodobadii shirkan ka soo baxayna wax badan ayaa ka hirgaley oo ay ugu muhiimsan tahay Isbaddel kala duwan oo lagu sameeyay garsoorka iyo dhisidda guddiga la-dagaalanka musuqmaasuqa. Waxa uu noqday shir u noqday jid wanaagsan garsoorka casriga ah ee Soomaaliya.⁵⁰

Markii uu dhammaaday shirkii Wada-tashiga Qaran ee Dib-u-habaynta Caddaaladda Soomaaliya, ayaa dawladdii Xasan Sheekh waxa ay u dhaqdhaaqqday inay qaado tallaabooyin kala duwan oo dhanka sharciga ah, kuwaas oo la kulmay cadaadisyo kala duwan oo siyaasadeed, Inkasta oo culaysyadaasi iyo cadaadisyaadaas kala duwan ay jireen haddana waxa hirgalay in taariikhdu markay ahayd 30kii bishii Juun ee 2014 la ansixiyo Sharciga Dhisidda Golaha Adeegga Garsoorka (Sharci Lr.28), kaas oo codeyntiisa ay si weyn ugu kala qeybsanayeen xildhibaanada Golaha Shacabka Soomaaliyeed.⁵¹ Madaxweyne Xasan ayaa isagu dhankiisa tallaabo degdeg ah qaaday oo saxiixay 8dii bishii Juulyo ee 2014⁵², waxanay muujinaysay ahmiyadda weyn ee uu u leeyahay sharcigan, halka dad kalena ay arrintaasi shaki iyo tuhmad weyn galinayeen.

Sharcigan ayaa lagu dhisay iyada oo la raacay si waafaqsan Qodobada 1094 iyo 111A ee Dastuurka Jamhuuriyadda Federaalka Soomaaliya. Ugu horreyn, sharcigan ayaa siinaya madaxbannaani Golaha Adeegga Garsoorka, isaga oo awoodaas adeegsanaya ayaa fursad loo siiyay inuu xaqiijiyo madax-bannaanida iyo dhexdhexaadnimada Garsoorka heerka Dawladda Federaalka ee Jamhuuriyadda Federaalka Soomaaliya iyo Maxkamadda Dastuurka ba. Sidaas oo kale, waxa uu Golaha awood u siiyay Magacaabista, Dalacsiinta, Bedelaadda, Ruqseynta iyo Anshaxmarrinta xubin kasta oo ka tirsan Garsoorka ee heerka Dawladda Federaalka iyo Maxkamadda Dastuurka. Sida ku xusan Qodobka 109A ee Dastuurka Federaalka Jamhuuriyadda Soomaaliya, sharcigan ayaa isaguna raacaya jidkaas oo ka dhigay xubnaha Golaha Adeegga Garsoorka 9 xubnood oo soo jeedintooda uu leeyahay wasiirka ay khusayso.⁵³ Dad badan oo ay ugu horreeyaan sharciyaqaanadu ayaa u arkayay in wax weyn oo uu sharcigan soo kordhiyay aanay jirin.⁵⁴

Madaxweyne Xasan Sheekh Maxamuud ayaa kala diray Golihii Adeegga Garsoorka 11-kii Bishii Maarso 2015, iyada oo lagu sababeeyay in aanu waafaqsaneyn Dastuurka KMG ah iyo Sharciga Dhisidda Golaha Adeegga

⁵⁰ Ibid

⁵¹ Heritage Institute. Ibid

⁵² Sharciga Dhisidda Golaha Adeegga Garsoorka. (2014), https://osagsomalia.com/media/documents/bulletins-contents/legislation/2014/Sharciga_Dhismaha_Golaha_Adeegga_Garsoorka.pdf

⁵³ Ibid

⁵⁴ Waraysi Abukaate Sakariye Ismaaciil Nuur. Ibid.

Garsoorka oo waayadaas uu ansixiyay golaha shacabku, uuna saxeexay madaxweynuhu.⁵⁵ Muddo ku siman sannad kala diristii Golihii Adeegga Garsoorka ayaa Madaxweyne Xasan Sheekh Maxamuud ayaa wareegto uu soo saaray 4-tii Maarso 2016, waxa uu xilka kaga qaaday guddoomiyihii maxkamadda sare ee dalka, Caydiid Cabdullaahi Ilka-xanaf, waxaana isla wareegtadaasi lagu magacaabay guddoomiye cusub kaasoo ah: Ibraahim Iidle Suleymaan.⁵⁶ In kasta oo uu ka biyo diiday xilka qaadistaasi Guddoomiye Caydiid, isaga oo ku dooday in sharci ahaan ay xilka ka qaadi karaan kaliya Guddiga Adeega Garsoorka, marka ay si buuxdo u soo dhisto Xukuumadda, haddana taasi kama caawin inuu sii joogo ee wuu baxay, waana dood had iyo jeer taagan markii Guddoomiyaha Maxkamadda Sare xilka laga qaado.⁵⁷

Dhanka kale, sannadkii 2016 liiska magacyada xubno la rabay inay noqdaan Golaha Adeegga Garsoorka ayuu diiday Golaha Shacabka, iyada oo loo cuskaday in sharciyan aysan dhammeystirneyn golaha adeega garsoorka oo laga rabay inay noqdaan 9-xubnood, balse baarlamaanka la horgeeyay oo kaliya shan xubnood, in dalku ku jiro xaalad doorasho oo aanay macquul ahayn in la ansixiyo golaha oo xasaasi ah iyo inay soo gudbisay Wasaaradda Caddaaladdu.⁵⁸ Si kasta ba ha ahaatee, Baarlamaankii 10aad ayaa 16 bishii Noofember 2020 ansixiyay xubnaha Golaha Adeegga Garsoorka, taas oo noqonaysa 6 sannadood ka dib markii la ansixiyay Sharciga Dhisidda Golaha Adeegga Garsoorka.⁵⁹

Isla maalintaa, waxa uu Golaha Shacabku ansixiyay xubnaha Guddiga madaxabannaan ee la dagaallanka Musuqmaasuqa, guddigan oo 7 bishii Noofember 2020 Xukuumaddii Xil-gaadhsiintu magacowday, oo uu dhaariyay Madaxweynaga JFS, waxa ka soo noqday muran iyo khilaaf dhanka sharciga ah, iyada oo si weyn loogu dooday inay khilaafsan yihiin Dastuurka KMG iyo Sharciga Dhisidda Guddiga Madaxabannaan ee la Dagaallanka Musuq-maasuqa, maadaama xubnaha Guddiga Madaxabannaan ee La-dagaallanka Musuqmaasuqa uu ansixiyay hal Aql oo ah **Golaha Shacabka**, oo aan gebi ahaan ba la horgeynin Golaha Aqalka Sare, si ay ugu codeeyaan xubnaha guddiga. Khilaafkaas iyo mugdigaas sharci ayaa wax badan u dhimay sharciyadda iyo shaqada guddidan.

⁵⁵ Goobjooge, (2015), <https://www.goobjooge.net/madaxweyne-xasan-sheekh-oo-kala-diray-golihii-adeegga-garsoorka-soomaaliya-xubno-laga-reebay-kala-dirista/>

⁵⁶ BBC Somali, (2016), https://www.bbc.com/somali/war/2016/05/160504_somalia_president_sacking_judge

⁵⁷ Caasimada Online, (2016), <https://www.caasimada.net/muxuu-ilka-xanaf-ka-yiri-xil-ka-qaadistii-lagu-sameeyay/>

⁵⁸ SNA RADIO, (2016), <http://snaradio.net/so/articles/1071/Baarlamaanka-oo-xukuumadda-dib-ugu-celiyay-golaha-adeega-garsoorka>

⁵⁹ SNTV, (2016), <https://sntv.so/2020/11/16/golaha-shacabka-oo-cod-aqlabiyad-leh-ku-ansixiyay-xubnaha-golaha-adeegga-garsoorka-iyo-guddiga-madaxabannaan-ee-la-dagaallanka-musuq-maasuqasawirro/>

Ugu dambeyn, Madaxweyne Xasan Sheekh ayaa muddo xileedkiisa labaad waxa uu kala diray labada guddi ee kala ah Guddiga Adeegga Garsoorka iyo Guddiga La-dagaalanka Musuqmaasuqa oo ay ansixisay Dawladdii hore, isaga oo digteerto ka soo baxday 9ka Oktoobar 2022kii ku amray in la toosiyo hannaanka loo soo dhisay labada guddi, kuna faray xukuumada inay u soo dhisaan labadan guddi si waafaqsan qodobbada 71-aad, 109A iyo 112-aad ee Dastuurka Kumeel-Gaadhka ah. Labada guddi ayuu ansixiyey Aqalkii Hoose ee Baarlamaankii 10aad, waxaana saxiixay madaxweynihii hore Maxamed Cabdullaahi Farmaajo, hase yeeshee xiligaas ma uusan ansixinin Aqalkii Sare ee Baarlamaanka.⁶⁰

Muddo Xileedkii Madaxweyne Maxamed Cabdillaahi (Farmaajo), waxa soo maray maxkamadda sare laba guddoomiye, mudane Ibraahim Idle Suleymaan oo hore u joogay iyo Mudane Baashe Yuusuf Axmed, ahna gudoomiyaha hadda jooga oo uu magacaabay Madaxweyne Farmaajo, isaga oo ku sheegay inuu ka jawaabay ballanqaadkiisii ahaa in la helo nidaam garsoor oo ku dhisan hufnaan iyo caddaalad.⁶¹

Ka dib burburkii dalka, mudda dii u dhaxeysay 2019 ilaa 2023 bahda garsoorka guud ahaan (Maxkamadaha iyo Xeer-ilaalinta) waxa ku soo biiray shaqaale cusub oo iskugu jira garsooryaal, Xeer-ilaaliyayaal iyo Kaaliyayaal ba kuwaas oo ku yimid hab tartan qoraaleed (Exam) iyo mid afeed ba (Interview). 11ka Bishii Sebteembar 2019, waxa loo fadhiistay imtixaan ay ku soo baxeen 40 garsoore iyo 50 kaaliye, kuwaas oo wax badan ku soo kordhiyay nidaamka garsoorka iyo caddaaladda dalka.⁶² Halka 29kii bishii 7aad 2021, Xafiiska Xeer-ilaaliyaha Guud ee Qaranku ay ku soo biireen 20 Xeer-ilaaliye, taas oo Xeer-ilaaliyaha Guud, Sulayman Maxamed Maxamuud ku tilmaamay ujeedada loo qaatay inay tahay “***Horumarrinta, tayaynta iyo xaqiijinta ahdaafta Garsoorku uu ku dhisan yahay***”. Sidaas oo kale, 20ka iyo 21ka Bishii Sebteembar 2023, waxa la qaatay 90 hawl-wadeen oo iskugu jira 30 garsoore, 20 Xeer-ilaaliye iyo 40 kaaliye, si loo xaqiijiyo ujeeddada garsoorku u taagan yahay ee ah isku xukunka iyo ku dhaqanka sharciga, dhawrista xuquuqda aadanaha, xallinta cabashooyinka u dhaxeeya dadweynaha ama muwaadiniinta iyo hay’adaha dawliga ah loona haqab-tiro baahida ka jirta garsoorka ee ah yaraanta hawl-wadeenada ka hawl-gala Maxkamadaha iyo Xeerilaalinta. Guddoomiyaha Maxkamadda Sare, Baashe Yuusuf ayaana xubnahan kula dardaarmay “***Waa inaad ugu adeegtaan ummadda eex la’aan iyo cabsi la’aan, waxa kaliya ee aad***

⁶⁰ VOA SOMALI, (2022), <https://www.voasomali.com/a/madaxweyne-xasan-sheekh-maxamuud-oo-kala-diray-guddiyada-adeegga-garsoorka-iyo-la-dagaalanka-musuqmaasuqa-/6782232.html>

⁶¹ BBC Somali, (2018), <https://www.bbc.com/somali/war-44265821>

⁶² CBA TV, (2019), https://www.facebook.com/CBATV.NET/videos/maxkamadda-sare/1260971784072958/?locale=ms_MY&_rdr

tixgalinaysaan ee aad ilaalinaysaan ee aad dhawraysaan inuu noqdo sharciga, si ay ku jirto danta caddaaladda oo kaliya".⁶³

4. Waaqica Garsoorka Iyo Bulshada

Waaqica garsoorka waxa uu ka tarjumayaa sida bulshadu u aragto nidaamka garsoorka iyo caddaaladda. Taariikhda Soomaaliya waxa ay muujineysaa in garsoorku yahay mid la kulmay caqabado badan, oo ay ka mid yihiin burburka hay'adaha, amni darro, iyo is-qabqabsi siyaasadeed. Tan ayaa keentay in dad badan ay ka niyad jabeen nidaamka garsoorka rasmiga ah. Dhibaatooyinka ka dhashay waxaa ka mid ah in dad badan ay raadiyaan xalal aan rasmi ahayn, taasoo keentay in la abuuro nidaamyo garsoor oo aan sharci ahayn. Tani waxa ay abuurtay fursado ay kooxo gaar ah ku xadgudbaan xuquuqda aadanaha, iyada oo la raacayo danahooda gaarka ah.⁶⁴

Marka la eego xaaladda bulshada, waaqica garsoorka waxa uu saameyn ku leeyahay nolosha maalinlaha ah. Bulshada Soomaaliyeed ayaa inta badan ku tiirsan nidaamyada sharci ee dhaqanka, sida xeerarka beelaha, kuwaas oo mararka qaar loo arko ama la is moodsiyo inay ka fiican yihiin nidaamka garsoorka rasmiga ah. Nidaamkan dhaqameed, oo ku saleysan wada-hadal iyo heshiis, ayaa abuuray habab kala duwan oo lagu xalliyo khilaafaadka. Si kastaba ha ahaatee, waaqica garsoorka rasmiga ah waxa uu u baahan yahay in la xoojiyo si bulshada ay ugu kalsoonaato.⁶⁵

4.1. Maxaa keenay in bulshada ka aamin baxdo garsoorka?

Qaadashadii Xorriyaddii ka dib, dawladihii kala dambeeyay ee soo maray Soomaaliya kamay shaqayn in bulshadu aaminto garsoorka, waxa se ugu sii darnayd Dawladdii kacaanka iyo qaabkii ay wax u maamushay taas oo keenay kalsooni-darrada bulshada sida qaabkii ay u maamushay xeerarkii ay soo saarayeen sida Xeerkii Qoyska iyo maxkamadayntii lagu sameeyay culimadii ka soo horjeedsatay xeerkaasi. Waana marka inta ugu badan uu garsoorku dhaawacmay dhanka aragtida bulshada. Waxa keenay duruufta dalku galay ee ah burburka, tan kale waxa jirta had iyo jeer wacyiga bulshada oo aad u hooseeya taas oo keenta in marar badan shaki badan oo aan sax ahayn ay ka qabaan garsoorka. Dawladdii Carta lagu soo dhisay ilaa 2016kii waxa uu ku jiray xaalad adag oo kabasho, waaxaana jiray dhibaatooyin bulshada loogu geystay, waana wakhti uu baxay sawir kale oo khaldan. 2016kii waxii ka dambeeyay ayay billaabmeen dedaalo kale oo lagu hagaajinayo xaaladda garsoorka, iyada oo laga billaabay ugu horreyn in la isweydiyay "Qofka shaqada

⁶³ Ibid

⁶⁴ Waraysi Xeer-ilaaliye Cabdirisaaq Macalin Xuseen

⁶⁵ Ibid

galayaa sharci ma bartay?”. Sidaas oo kale, muddada dacwadaha oo dheer ayaa keenaysa in bulshada ka aamin baxdo. Bulshadeennu waxa ay rabaan xalka si degdeg ah, halka garsoorku uu sharciga raacayo, isla markaana u baahan yahay caddeymo iyo wax uu cuskado taas ayaana marar badan keenta in ay bulshada saluugto ama ka aamin-baxdo.⁶⁶

Waxa intaas dheer, Waxa baxay sawir xun oo ka dhan ah garsoorka kaas oo aan bulshada maankeeda iyo maskaxdeeda ka bixin, balse weli ku duugan. Waxa se dhib kale oo dheeraad ah ku sii ah, in duris, cay iyo ceebayn aan sax ama xaq ahayn uu had iyo jeer la kulmo garsoorku. Waxa taas tusaale ugu filan siyaasiyiinta ayaa mushkilad weyn ku haya garsoorka maadaama si aad u xun ay u ceebeeyaan garsoorka ama u shakhsiyadeeyaan, taas oo shaki weyn bulshada ku abuurta, isla markaana bulshadu u qaadato waxa uu siyaasigu sheegayo inay run yihiin. Waxa taas la mid ah, in marar badan ay dhacdo qof aan xaq lahayn oo laga xukumay dacwad inuu soo ceebeeyo garsoorka, wax falcelin ahna aan laga sameyn, taas oo iyaduna bulshada ku dhex faafaysa, keentana marar badan sawir aan wacnayn. Tan kale, waxa garab socda Garsoorka Argagixisada oo mararka qaar cabsi galinaya qofkii si sax ah garsoorka dawladdu wax ugu xukumay, sidaas oo kalena khasab iyo cabsi wax ugu fulinaya kii uu sida sharci-darrada ahaa uga soo xukumay ama wax xaq ah lahayn. Arrantan iyaduna waa caqabad kale oo weyn oo keensata in dadka qaarkii aaminaan garsoorka argagixisada, taas oo ah markasta oo ay korodho aaminaada garsoorka argagaxisada inay keensanayso hoos u dhaca garsoorka dawladda.⁶⁷

4.2. Ilaa heerkee bulshadu aaminsan tahay garsoorka?

Kalsoonida ay bulshadu ku qabto garsoorka weli ma gaarsiisana heerkii laga rabay, waa mid hoosaysa una baahan in kor loo soo qaado iyada oo la adeegsanayo habab kala duwan sida wacyigelin iyo waxii la mid ah. Hawl fudud ma ahan in bulshadu si fudud ku aaminto garsoorka, waayo? dhaawac aad u weyn ayaa gaadhay oo u baahan in tartiib tartiib loo daaweeyo, isla markaana loo fahamsiiyo bulshada in garsoorku isbaddelay, yahayna maanta mid la amini karo.⁶⁸ Horumarka garsoorka ka dhacay waxa keliya ee ku baraarugay inta garsoorka ku jirta sida qareenada, garyaqaanada, xeer-ilaaliyayaasha, garsoorayaasha iyo ardayda ku tababarta garsoorka, bulshada caadiga ah ee suuqa joogta kuma baraarugsana dhammaan horumarka, dedaalka, hufnaanta iyo shaqada wanaagsan ee garsoorku sameeyay, waana mid u baahan in laga hawl galo.⁶⁹

⁶⁶ Waraysi Garsoore Maxkamadda Sare, Cabdulxaq Cumar Maxamed

⁶⁷ Ibid

⁶⁸ Waraysi Xeerilaaliye Farxaan Xuseen Maxamed

⁶⁹ Waraysi Garsoore Maxkamadda Sare, Cabdulxaq Cumar Maxamed. Ibid.

4.3. Garsoorku ma soo kabsanayaa?

Dabcan wuu soo kabsanayaa garsoorku, waayo garsoorku dawladnimada ayuu qeyb ka yahay markaas sida dawladnimada u soo kabsanayso ayuu garsoorkuna u soo kabsanayaa, waxa uuna ku jiraa hay'adaha ugu horreeya soo kabsashada dawladnimada. Waxa taas ku caddeynaysa, Maanta garsoorka dhexdiisa ma jirto cid toos ugu dhiiran karta musuqmaasuq. Sidaas oo kale, garsoorku waxa uu ka hormaray dhinaca aqoonta iyo tiknoolajiyadda, waxaana ku soo biiray dhalinyaro badan oo aqoon leh oo hufan, taasoo keentay in garsoorku soo kabsado. Horumaradan ayaa si cad u muujinaya in garsoorka uu yahay mid dib u soo noolaanaya.⁷⁰

4.4. Horumarrinta Waaqica Garsoorka ee Bulshada Soomaaliyeed

Horumarrinta waaqica garsoorka ee bulshada Soomaaliyeed waxa ay u baahan tahay dhowr tallaabo oo muhiim ah. Ugu horreyn, waxaa muhiim ah in la sameeyo wacyigelin balaadhan oo ku saabsan xuquuqda aadanaha, sharciga, iyo sida nidaamka garsoorka u shaqeeyo. Wacyigelintan waxa ay ka caawin kartaa bulshada inay fahmaan xuquuqda ay leeyihiin iyo fursadaha ay u haystaan in ay ka qeyb qaataan garsoorka.

Sidaas oo kale, hay'adaha garsoorka waa in la siiyo taageero dhaqaale iyo tababar si ay u noqdaan kuwo hufan oo la isku halayn karo. Tababarada la siiyo garsoorayaasha iyo shaqaalaha garsoorka waxa ay ka caawin karaan inay si wanaagsan u fuliyaan waajibaadkooda, iyagoo raacaya sharciga iyo cadaaladda.

Intaa waxaa dheer, in la dhiso xidhiidh wanaagsan oo dhexmara bulshada iyo hay'adaha garsoorka ayaa ah tallaabo muhiim ah. Waxaa lagama maarmaan ah in la abuurto fursado ay dadka Soomaaliyeed ku dhiirrigelin karaan ka qeybqaadashada habka garsoorka, si ay u helaan codkooda iyo xuquuqdooda. Tani waxa ay ka caawin doontaa in la helo kalsooni dhexmarta bulshada iyo nidaamka garsoorka, taasoo keeni karta in la xalliyo khilaafaadka si cadaalad ah.⁷¹

5. Casriyeynta Garsoorka

Casriyeynta garsoorka waa hannaan lagu horumarrinayo nidaamka garsoorka, si uu ula jaanqaado baahiyaha casriga ah, loona hubiyo in uu noqdo mid hufan, degdeg ah,

⁷⁰ Ibid

⁷¹ Waraysi Xeerilaaliye Cabdirisaaq Macalin Xuseen

bixiya adeeg caddaalad oo lagu kalsoonaan karo. Sidaas oo kale, Casriyeyntu mar waa sharciyada oo la horumariyay, mar waa dadka ka hawlgalaya garsoorka oo aqoontooda la horumariyay, mar kale na waa isla qalabka lagu shaqeynay oo la casriyeeyo.⁷²

Casriyeynta garsoorka Soomaaliya waxa uu qeyb ka yahay dib u dhiska Dawladnimada ka dib burburkii ka dhacay guud ahaan dalka. Casriyeynta garsoorka ka dib burburka waxaa laga soo billaabi karaa 2012 oo ah markii sida kumeelgaarka ah loo ansixiyay dastuurka dalka (Dastuurka KMG), kaas oo jideeyay qaabka uu noqonayo garsoorka iyo sharciyada ay tahay in la hirgeliyo si loo helo garsoor ka jawaabi kara baahida cadaaladda.

Casriyeynta qeybaha ay ka koobnaan karto waxaa laga xusi karaa kuwa soo socda:

1. Sharciyo hirgelinaya habka ugu fudud ee lagu helikaro cadaalad degdeg ah, sharciyadaas oo isugu jira kuwa mowduuca (Substantive laws) ee ka jawaabaya baahida casriga ah ee bulshada, kuwa habraaca (Procedural laws) ee dacwadaha lagu maamulo, iyo kuwa maamulka, hufnaanta iyo isla xisaabtanka (Administrative laws) ee garsoorka lagu maamulo.
2. Deegaan iyo agab ku habboon bixinta adeegga cadaaladda “Modernization of the justice infrastructure.”
3. Dhaqaale garsoor oo ku filan maamulka iyo bixinta adeegga cadaaladda.
4. Adeegsiga tiknoolajiyada oo isugu jirta u adeegsiga shaqada garsoorka ee fududeynta cadaaladda sida in la hirgeliyo nidaamyada elektarooniga ah ee maareynta dacwadaha, kaydinta xogaha, iyo kuwa lagu gaadhayo cadaaladda sida ogolaanshaha caddeymaha casriga ah (DNA, I.W.M), wakaaladaha iyo guud ahaan soo gudbinta iyo qaadista dacwadaha, ilaa fulinta oo laga dhigo qaab casri ah gaar ahaan bixinta ganaaxyada (Online calculation and payment of the fines).
5. Tayeynta guud ahaan howlwadeennada garsoorka, iyada oo la siinayo tababarro casri ah oo kor loogu qaadayo aqoontooda iyo kartidooda.⁷³

5.1. Baahida Loo Qabo Casriyeynta Garsoorka

⁷² Ibid

⁷³ Waraysi Garsoore Maxkamadda Sare, Cabdulxaq Cumar Maxamed

Casriyeynta garsoorka Soomaaliya ayaa ah arrin si weyn loogu baahan yahay, iyada oo ay fure u tahay fududeynta hawlo badan oo kala duwan. Qodobada hoos ku xusan ayaa muujinaya sida casriyeyntu u horumarrin karto nidaamka garsoorka:

Xogta Boliiska: Hagaajinta habka xogta boliiska ayaa muhiim ah in si sax ah loogu ogaado macluumaadka dhibanaha iyo eedeysanaha, taasoo fududeynaysa baadhista dacwadaha iyo diyaarrinta eedda.

Diwaangelinta Dembiyada: Nidaam diwaangelin oo wanaagsan ayaa loo baahan yahay, si loo ogaado dembiyada ka dhaca dalka, taasoo sahleysa raadinta xaaladaha dembiyada.

Waraaqda Dembi La'aanta: Waxaa lagama maarmaan ah in la sameeyo nidaam lagu xakameynayo waraaqaha dembi la'aanta ee ay bixiyaan C.I.D, si looga hortago in qof dembiile ah la siiyo waraaq aan habboonayn.

Isku Xidhnaanta Hay'adaha: Kor u qaadista isku xidhnaanta xafiiska Xeer-ilaaliyaha Guud iyo maxkamadaha ayaa muhiim ah si loo hubiyo isdhexgalka habsami u socodka dacwadaha.

Ogaanshaha Caadeystayaasha: Fududeynta ogaanshaha dadka caadeystayaasha ah ayaa lagama maarmaan ah, si loo yareeyo in caadeystayaashi si fudud nidaamka ugu dhex dhuuntaan.

Ka Hortagga Galalka Shaqada: Waxaa muhiim ah in la xakameeyo dadka caadeystay inay furaan galal badan oo cabasho ah, gaar ahaan kuwo aan sal lahayn.

Galalka Soo Noqda: Ogaanshaha galalka soo noqnoqda (Duplicate) ayaa ka caawin karta nidaamka garsoorka inuu ka fogaado jahawareerka.

Helitaanka Dukumiintiyada Luma: Casriyeyntu waxa ay sahlaysaa helitaanka dukumiintiyada lumay, iyada oo la adeegsanayo tiknoolajiyadda garsoorka.

La Socodka Hawlaha: Madaxdu waxa ay awood u yeelanayaan inay la socdaan horumarka shaqada iyo dacwadaha, si ay si degdeg ah wax uga qabtaan cabashooyinka.

Wada Socodka Hay'adaha: Casriyeyntu waxa ay fududaynaysaa wada socoshada iyo xiriirka dhammaan hay'adaha garsoorka, taasoo taageeraysa hufnaanta iyo waxtarka nidaamka.⁷⁴

5.2. Maxaa ka qabsoomay casriyeynta garsoorka?

Marka laga tago qaabaynta uu sameeyay dastuurka KMG, waxaan laga xusi karaa tallaabooyinka casriyeynta garsoorka oo isugu jira shanta arrimood ee aan ku sheegnay in ay casriyeyntu taabanayso ee kor ku xusan, waxaan ka mid ah kuwa soo socda:

1. Ansixinta Sharciga Golaha Adeegga Garsoorka.
2. Ansixinta sharciga Maxkamadda Dastuuriga ah.
3. Ansixinta sharciyo muhiim u ah gudashada shaqada garsoorka sida kuwa la dagaallanka musuqmaasuqa, la dagaallanka lacag-dhaqista iyo maalgelinta argagixisada, cunaqabataynta maaliyadeed ee cayimman, la dagaallanka argagixisada, iyo heshiisyada iskaashiga garsoorka ee lala galayo dalalka shisheeye, sida kan Turkiga ee iskaashiga garsoorka.
4. Hannaanka qaadashada howlwadeennada garsoorka oo laga dhigay tartan daahfuran oo xor iyo xalaal ah loona simman yahay dhammaan cid kasta, taas oo ah mid uu garsoorku hormuud ugu yahay guud ahaan hay'adaha kale ee Dawladda.
5. Dhismaha Machadka Tababarka Garsoorka Soomaaliya, kaas oo muhiim u ah kor u qaadidda aqoonta iyo kartida howlwadeennada garsoorka.
6. Tayada garsoorka oo kor loo qaaday, iyada oo uu garsoorku mar walba joogteeyo tababarro kor loogu qaadayo aqoonta iyo kartida howlwadeennada garsoorka.
7. Dhismaha garsoorrada Dawladaha xubnaha ka ah Dawladda federaalka, kuwaas oo lagu xushay aqoon iyo karti, intii suuragal ah.
8. Dhismaha qeybo ka mid ah deegaanka garsoorka iyo hirgelinta agabka fududeynaya bixinta adeegga cadaaladda, inkasta oo aanay arrintaasi ahayn mid xooggan.
9. Hirgelinta adeegsiga nidaamka casriga ah ee electarooniga ee lagu maamulo dacwadaha, nidaamkaas oo laga hirgeliyay garsoorkaa ka howlgala caasimadda dalka.
10. Hufnaanta iyo isla xisaabtanka oo kor loo qaaday, iyada oo tallaabooyin cadcad laga qaaday cid kasta oo ka weecatay hannaanka shaqo gudashada toosan.⁷⁵

⁷⁴ Waraysi Agaasime Axmed Nuur

⁷⁵ Waraysi Garsoore Maxkamadda Sare, Cabdulxaq Cumar Maxamed.

5.3. Maxaa ka dhimman casriyeynta garsoorka?

Lama soo koobi karo waxa weli ka dhiman casriyeynta garsoorka Soomaaliya oo weli fari kama qodna hawsha casriyeynta, balse haddii si guud loo taabto waxaa ka mid ah arrimaha soo socda oo weli aysan wax badan ama waxbaba aysan ka hirgelin:

1. Sharciyadii fududeynayay adeeg cadaalad oo hufan oo degdeg ah kuwaas oo kale ah kuwa mowduuca (Substantive laws) ee ka jawaabaya baahida casriga ah ee bulshada, kuwa habraaca (Procedural laws) ee dacwadaha lagu maamulo iyo kuwa maamulka, hufnaanta iyo isla xisaabtanka (Administrative laws) ee garsoorka lagu maamulo.
2. Deegaan iyo agab ku habboon bixinta adeegga cadaaladda “Modernization of the justice infrastructure”.
3. Dhaqaale garsoor oo ku filan maamulka iyo bixinta adeegga cadaaladda.
4. Adeegsiga tiknoolajiyada oo isugu jirta u adeegsiga shaqada garsoorka ee fududeynta cadaaladda sida in la hirgeliyo nidaamyada elektarooniga ah ee maareynta dacwadaha, kaydinta xogaha, iyo kuwa lagu gaarayo cadaaladda sida ogolaanshaha caddeymaha casriga ah (DNA, iwm), wakaaladaha iyo guud ahaan soo gudbinta iyo qaadista dacwadaha, ilaa fulinta oo laga dhigo qaab casri ah gaar ahaan ganaaxyada (Online payment).
5. Tayeynta guud ahaan howlwadeennada garsoorka, iyada oo la siiynayo tababarro casri ah oo kor loogu qaadayo aqoontooda iyo kartidooda.⁷⁶

5.4. Sida Loo Casriyeyn Karaa Garsoorka?

Hirgelinta Nidaamyo Tignoolajiyeed: Waxaa lagama maarmaan ah in la hirgeliyo nidaamyada elektaroonigga ah ee maareynta kiisaska, kuwaas oo gacan ka geysan kara in la yareeyo waqtiga ay maxkamaduhu qaataan, si ay u xalliyaan kiisaska. Tani waxa ay sidaas oo kale ka caawin kartaa in la hubiyo in diiwaannada maxkamadda la heli karo hab sahlan.⁷⁷

Tababarka Garsoorayaasha: Tababarka joogtada ah ee garsoorayaasha ayaa muhiim ah si loo hubiyo in ay la socdaan isbeddellada sharciyada iyo habraacyada

⁷⁶ Ibid

⁷⁷ Waraysi Agaasime Axmed Nuur

cusub. Tababarkan waxa uu ka caawin karaa garsoorayaasha inay si fiican u fahmaan cadaaladda casriga ah iyo xuquuqda aadanaha.⁷⁸

Dhisidda Hay'ad Madax-bannaan: In la dhiso hay'ad madax-bannaan oo kormeerta hawlaha garsoorka, si loo xaqiijiyo in garsoorku ka madax bannaan yahay saameynta siyaasadeed, ayaa ah mid lagama maarmaan ah. Hay'ad noocan ah waxa ay kor u qaadi kartaa kalsoonida bulshada ee nidaamka garsoorka.

Fududaynta Helitaanka Caddaaladda: Waxaa lagama maarmaan ah in la sameeyo barnaamijyo wacyigelin ah, si loo kordhiyo fahamka bulshada ee xuquuqda caddaaladeed. Waxaa sidaas oo kale muhiim ah in la fududeeyo adeegyada caddaaladda, si ay u noqdaan kuwo si sahlan loo heli karo, gaar ahaan dadka danyarta ah.

Isku-xidhka Nidaamka Garsoorka: Casriyeyntu waxa ay u baahan tahay in la sameeyo nidaamyo isku xidha maxkamadaha, xeer-ilaaliyayaasha, boliiska iyo hay'adaha kale ee sharciga, si loo hubiyo in dhammaan qeybaha nidaamka garsoorka ay si wadajir ah u shaqeeyaan.

Xaqiijinta Xuquuqda Aadanaha: Casriyeynta garsoorka Soomaaliya waa inay ku saleysnaataa ilaalinta xuquuqda aadanaha. Tani waxa ay ka dhigan tahay in la hubiyo in dhammaan dadka Soomaaliyeed ay helaan xuquuq siman iyo caddaalad.

Dhismaha Kalsoonida Bulshada: Waxaa muhiim ah in la dhiso kalsooni dhexmarta bulshada iyo hay'adaha garsoorka. Tani waxa ay u baahan tahay in la sameeyo hannaanka wanaagsan ee la xisaabtanka iyo hufnaanta, si bulshada ay u aragto in garsoorku yahay mid cadaalad ah.

La Dagaallanka Musuqmaasuqa: Musuqmaasuqu waa caqabadda ugu weyn ee hortaagan nidaamka garsoorka. Waxaa lagama maarmaan ah in la sameeyo talaabooyin adag oo lagula dagaallamayo musuqmaasuqa, si loo xaqiijiyo in adeegyada garsoorka ay noqdaan kuwo hufan.

Taageerada Caalamiga ah: Taageerada caalamiga ah ee garsoorka Soomaaliya ayaa muhiim ah. Dawladaha caalamiga ah, ururada aan dowliga ahayn, iyo hay'adaha caalamiga ah waa inay gacan ka geystaan taageeridda dib u habeynta garsoorka iyo horumarrinta hay'adaha sharciga.⁷⁹

⁷⁸ Waraysi Xeerilaaliye Cabdirisaaq Macalin Xuseen

⁷⁹ Ibid

6. Gebogebo

Cilmibaadhistan waxa ay si qoto dheer u falanqaysay waaqica garsoorka Soomaaliya, gaar ahaan baahida loo qabo casriyeyn iyo dib-u-dhis. Taariikhda garsoorka Soomaaliya waxa ay muujineysaa in nidaamka cadaaladda uu soo maray marxalado kala duwan oo ay ku jiraan gumeystihii, xornimadii, burburkii, iyo dadaallada cusub ee lagu xoojinayo garsoorka. Burburkii Dawladnimada ayaa keenay in la waayo hay'adaha muhiimka ah, taas oo saameyn xun ku yeelatay hannaanka garsoorka. Si loo xaqiijiyo helitaanka cadaaladda iyo in bulshadu ay ku kalsoon tahay nidaamka garsoorka, waxaa lagama maarmaan ah in la sameeyo tallaabooyin dhameystiran oo lagu casriyeynaayo hannaanka garsoorka.

7. Talooyin

Dib-u-habaynta Sharciga: Waa in la cusboonaysiiyaa sharciyada, si ay ula jaanqaadaan qiyamka casriga ah iyo heerarka caalamiga ah ee xuquuqul-insaanka. Tani waxa ay ka caawin doontaa in sharcigu noqdo mid cadaalad ah oo loo siman yahay.

Madaxbanaanida Garsoorka: Waxaa muhiim ah in la xoojiyo madaxbanaanida garsoorka, si garsoorayaashu ay u gaadhaan go'aano ku salaysan sharciga iyo xaqiiqda, ayna ka madax bannaan yihiin cadaadiska siyaasadeed iyo dhaqaale ba.

Horumarrinta Tignoolajiyada: Tignoolajiyada waa in lagu daro hababka garsoorka, sida nidaamyada Qaadista dacwadda hab fogaan aragga ah (Online), si loo fududeeyo helitaanka cadaaladda.

Wacyigelinta Bulshada: Waxaa lagama maarmaan ah in la kordhiyo wacyigelinta bulshada ku saabsan xuquuqda iyo fursadaha ay haystaan, si loo hubiyo in dadku si siman u helaan cadaalad.

Iskaashiga Caalamiga ah: Soomaaliya waxa ay u baahan tahay inay ka faa'iidayso khibradaha caalamiga ah ee la xidhiidha garsoorka, iyada oo la raacayo mabaadi'da cadaaladda caalamiga ah, si loo xaqiijiyo in garsoorku u adeego bulshada si hufan.

Dhiirrigelinta Ka-qeybgalka Bulshada: Dhammaan qeybaha bulshada, oo ay ku jiraan haweenka, dhalinyarada, iyo ururrada bulshada, waa in ay ka qeyb qaataan horumarrinta garsoorka iyo go'aan qaadashada.

DHAMMAAD

Abdullahi Moalin Muhiyadin (Dudaaye)

Waa qareen ku shaqaynaayay xirfada qareenimda in ka badan toban sano. Waxa uu ku dhashay degmada Biya-cade ee gobalaka Shabeelada Dhexe sanadku marki uu ahaa 1984. Waxaa uu haystaa shahaadada 1aad ee jaamacadda, waxaa uuna ka qalin-jabiyay kuliyada Sharciga Iyo Qaanuunka ee Jaamacada Muqdisho.



HORDHAC

1. Gogoldhig (Background)

Sharciga ayaa dammaanad qaada islamarkaana xaddida xuquuqda, halka kaalinta garsoorka ay tahay dabaqaada sharciga marka lagu xadgudbo xuquuqda uu dammaanad qaaday.

Tani waxa ay muujinaysaa sida sharcigu tuba-tuse ugu yahay dhammaan adeegyada cadaaladeed ee garsoorku u xilsaaran yahay bixintooda, waana arrin fasiraad ka bixinayso xariirka adag ee ka dhexeeyo sharciga iyo garsoorka.

Casriyeynta adeegyada garsoorka waa geeddi-socod muhiim ah, oo ujeeddadiisu tahay horumarrinta adeegyada uu bixiyo, si ay u noqdaan kuwa la jaanqaadi karo isbeddellada bulshada iyo tiknoolojiyada casriga ah. Caqabadaha ku gadaaman sharciyada dalka ayaa shaki geliyay sida uu sharcigu u caawin karo casriyeynta adeegyada garsoorka, sidaa darteed cilmi-baarista la xariirto **kaalinta sharciga ee casriyeynta garsoorka** waa mid ka mid ah arimaha muhiimka ah.

2. Qeexidda mushkiladda (Problem statement)

Inta badan xeerarka dhaqan galka ah Soomaaliya waxaa la sameeyay xilli hore oo duruuf ahaan ka duwan xilliga hadda la joogo. Waxaa dhacay is-bedello nololeed, oo la xariiro dhaqaalaha, siyaasada, iyo bulshada, kuwaas oo abuuray duruuf cusub oo aan maanka lagu haynin marki la sameynaayay xeerarkaan. Is badalladaas ayaa qasbayay in wax ka beddal lagu sameeyo xeerarka, lagana dhigo xeerar cusub oo la socon karo casriga. Tani waxa ay dhalisay in la is weydiiyo:

- Ilaa heerkee ayay xeerarka Soomaaliyeed awoodi karaan maareynta xaaladaha cusub?
- Ilaa intee ayey casriyeynta garsoorku ku xiran tahay casriyeynta sharciga.

Ma jirto cilmi-baaris looga jawabay su'aalahaan, taasi oo ka dhigan in baahi dhanka cilmi baarista ah ee la xariirto mowduucaan ay jirto.

3. Ujeeddada cilmi baarista

cilmi baaristan:

- c) Waxa ay soo bandhigeysaa xariirka ka dhaxeeya sharciga iyo garsoorka.
- c) Waxa ay qiimaynaysaa sharciyada dalka, ayada oo ka eegaysa dhinaca la jaanqaadida duruufaha casriga.
- c) Waxa ay darsaysaa muhimada casriyeynta sharciyadu u leeyihiin casriyeynta garsoorka.

4. Habka Cilmi-baarista

Cilmi baaristaan ayada oo adeegsanaysa hannaan cilmi baariseedka falanqeynta dokumiintiyada (Descriptive analysis) ayaa waxa ay gorfeeneysaa qodobada sharciyada muhiimka ah si ay u soo bandhigto xariirka ka dhexeeyo sharciga iyo garsoorka dalka, una qiimayso sida ay sharciyadu ula jaanqaadaayaan duruufaha

casriga ah. Sidaas oo kale, Cilmi-baaristaan waxa ay adeegsatay hannaan cilmi baariseedka **darsida taariikheed (Historical method)** si loo sharxo caqabadaha taariikhiga ah ee ay wajaheen sharciyada dalka iyo saamaynta caqabadahaas ay reebeen.

5. Muhiimda Mowduuca.

Cilmi baaristaan waxa ay caawinaysaa hay'adaha Dawladda oo ay qusayso horumarrinta sharciyada dalka. Iyada oo u noqon karto jaangooye ay ku cabiraan wax ka beddallada xeerarka dhaqan-galka ah iyo soo saarista xeerarka cusub. Sidaas oo kale waxaa ay caawinaysaa hay'adaha ay qusayso ka shaqaynta casriyanta garsoorka, iyada oo u iftiiminaysa sida sharcigu bud-dhig ugu noqon karo horumarrinta adeegyada caddaalada. Waana halka ay ka muuqanayso muhiimada ay leedahay cilmibaaristaan.

6. Qaab-dhismeedka cilmi-baarista

Cilmi-baaristaan waxa ay ka koobantahay shan cutub iyo gabagebo waana sida hoose:

- Cutubka 1aad: Xiriirka Garsoorka iyo Sharciga.
- Cutubka 2aad: Marxaladihi Dalku soo maray iyo Saamaynta Sharciyada Dalka
- Cutubka 3aad: Dib u dhaca Sharciyada Dalka
- Cutubka 4aad: Saameynta Taban ee Dib u Dhaca Xeerku ku Leeyahay Casriyeynta Garsoorka.
- Cutubka 5aad: Casriyeynta Sharciyada Dalka Iyo Saameynta Togan ay ku Yeelan karto Casriyeynta Garsoorka.
- Gabo-gabo.

7. Sharxaadad ereyada la soo gaabiyay

KMG waxaa loola jeedaa Dasuurka KMG Soomaaliya ee la ansixiyay 1 August 2012

XNG: Xeerka Nidaamka Garsoorka N.3 12 June 1962 ama Xeerka Nidaamka Garsoorka N. 34 22 September 1974

XDGAG waxaa loola jeedaa Xeerka Dhisidda Golaha Adeega Garsoorka N. 28 8 August 2014

XMS waxaa loola jeedaa Xeerka Madaniga Soomaaliya N.37 2 June 1973

XCS waxaa loola jeedaa Xeerka Cigaabta Soomaaliya .5 16 December 1962

XHC waxaa loola jeedaa Xeerka Habka Cigaabta Soomaaliya N. 1 1 June 1963

XHM waxaa loola jeedaa Xeerka Habka Madaniga Soomaaliya N.19 ee 27 July 1974

Cutubka 1aad: Xiriirka Garsoorka iyo Sharciga.

Sharciga iyo garsoorka waxaa ka dhexeeyo xariir adag, marka la qiimeeyo saamaynta uu sharcigu ku leeyahay dhisidda garsoorka, nidaamintiisa, ku qasbanaashada dabaqidiisa iyo hagidda tallaabooyinka dacwad qaadista.

CUTUBKA KOOWAAD: XIRIIRKA GARSOORKA IYO SHARCIGA.

1. Dhisidda Garsoorka.

Sharciga ayaa dhigay asaaska jiritaanka hay'adda garsoorka, taas oo muujinayso sida sharcigu u yahay aabaha garsoorka. Dastuuradii kala duwanaa uu dalku yeeshay, waxa ay ka midaysnaayeen qaadashada mabda'a sharcinimada hay'adaha Dawladda, oo ay kamid tahay ha'adda garsoorka.

Dastuurkii ugu horreeyay ee la ansixiyay 1960-kii, waxaa uu dhidibada u aasay mabaadi'da salka u ah hay'adaha garsoorka, waxaa uuna cadeeyay in howlaha garsoorka ay u xilsaaranyihiin maxkamadaha⁹⁹. Tani waxa ay daliil u tahay in taariikh ahaan garsoorka uu ku xirnaa dastuurka dalka, maxaa-yeelay dastuurka ayaa asaasay hay'adda garsoorka, una xil-saaray qabashada howlaha garsooridda. Si kale marki loo yiraahdo, garsoorkii ugu horeeyay uu dalku yeeshay, qaadashada xornimadi ka dib, waxaa lagu asaasay dastuurki ugu horeeyay ee dalka. Halka, dastuuradii la sameeyay burburkii ka dib, gaar ahaan **dastuurka ku meel gaarka ah oo la ansixiyay 2012, ahna midka dhaqan-galka ah uu asaguna awoodda garsooridda u xil-saaray maxkamadaha**.¹⁰⁰ Sidaas darteed, garsoorka hadda jiro waxaa sharciyadda siiyay dastuurka dhaqan-galka ah. Waxaan halkaan laga fahmi karaa in dastuuradii kala duwanaa ee la sameeyay ay si isku mid ah u adkeynaayaan sharciyadda iyo jiritaanka garsoorka.

2. Nidaaminta Garsoorka

Nidaamka garsoorka Soomaaliya ayaa soo maray wajiyo kala duwan, oo marwalba saldhigoodu ahaa xeerar ka turjumaayo nidaamyadii kala duwanaa ee dalka soo maray. Dastuurkii ugu horeeyay ee la ansixiyay 1960-kii ayaa baarlamaanki xiligaas u wakiishay nidaaminta qaab-dhismeedka garsoorka.¹⁰¹ Ayada oo laga duulaayo dastuurkaan, waxaa la soo saaray xeer Lr. 3 ee soo baxay 12/06/1962, kaas oo lagu nidaamiyay hay'adda garsoorka.

Xeerkaan waxaa uu ka ambaqaadaayay mabaadi'dii uu jideeyay dastuurkii 1960-kii, taas oo garsoorka u yeeshay waji muujinaayo madaxbanaanidiisa.¹⁰² Isbedelkii ku yimiday nidaamka Soomaaliya 1969-kii, ayaa horseed u noqday bedelaadda xeer Lr.3, maadaama uu la soco kari waayay mabaadi'dii hantiwadaaga ee uu qaatay nidaamkii xiligaas, waxaana la soo saaray xeer Lr. 34 oo soo baxay 22/9/1974.¹⁰³ Xeerkaan oo lagu dhaqmaayay ilaa burburkii ayaa garsoorka u yeelay waji ka duwan wajigii hore oo aanan ka turjumayn madaxbanaanidiisa.¹⁰⁴ Halka, Dastuurka KMG ka dib markii uu sharciyad siiyay jiritaanka hay'adda garsoorka, uu u xil-saaray Baarlamaanka Jamhuuriyadda Federaalka Soomaaliya nidaaminta qaab-

dhismeedkiisa.¹⁰⁵ Ka dib 12 sano uu jiro baarlamaanka fadaraalka Soomaaliya, kuma guulaysan soo saarista xeer nidaam garsoor oo la socon karo nidaamka fadaraalka ah ee dalku qaatay.

Baarlamaankii 9aad ayaa soo saaray Xeer Lr. 28 ee soo baxay 8/7/2014 oo ku saabsan dhisidda Golaha Adeega Garsoorka oo ah qeyb ka mid ah nidaamka garsoorka. Xeerkaan waxaa laga fahmi karaa in uu nasaqay xeer Lr. 34 ee soo baxay 22/9/1974, islamarkaasna xeer Lr. 3 ee 12/06/1962 uu yahay midka lagu dhaqmo. Xeerkaan waxa uu cadaynayaa in la nasaqay axkaam kasta oo aan la jaanqaadi karayn xeer Lr.3 ee 12/06/1962 ¹⁰⁶,

Xeerkii Nidaamka Garsoorka ee 1962, marka laga eego dhanka madaxbanaanid waa ka fiicanyahay xeer Lr.34 oo soo baxay 22/9/1974, sidaas darteed ayuu xeerdejiyuhu u doorbiday in isaga lagu sii dhaqmo inta laga soo saaraayo xeer beddela. Si kastaba ha ahaatee, sooyaalka nidaamka garsoorka waxaa uu caddaynayaa in marwalba nidaamintiisu ku tiirsaneed xeer nidaam garsoor, taas oo ka dhigan in garsoorku dhismihiisu ku tiirsan yahay sharciga.

3. Dabaqidda Xeerka

Nidaam xeerreedka ay Soomaaliya ku dhaqanto ee laatiiniga ah (Civil Law) waxaa sal u ah xeerarka qoran, halka kaalinta garsoorka ay ku kooban tahay dabaqidda xeerarka iyo fasiraadooda. ¹⁰⁷ Xeerka ciqaabta iyo kuwa la halmaala waxaa lagu cadeeyay fal-danbiyeedyada, tiirarkooda iyo qodobada guud ee la xariira eedaynaha, dhibanaha, iyo kuwa kale oo badan. Garsoorka Soomaaliya ma soo kordhin karo fal-danbiyeed ka baxsan kuwa xeerka ciqaabta ku xusan. Isla xeerka ciqaabta iyo kuwa la halmaalo ayaa lagu cadeeyay ciqaabta faldanbiyeed kasta, shuruudaha lagama maarmaanka u ah dabaqaada ciqaabtaas, sida loo dabaqayo, duruufaha ciqaabta kordhiyo iyo kuwa ciqaabta fududeeyo.

Garsoorku ciqaabta xeerku jideeyay kuma samayn karo kordhin ama dhimis ka baxsan inta uu xeerku u ogolaaday, mana soo kordhin karo shuruud ama duruuf ka mid ah duruufaha ciqaabta danbiga fududeeyo ama adkeeyo, hadaan xeerku siinin awoodaas. Arrintaan waxa ay salka ku haysaa mabda'a waajibnimada cadaynta ciqaabta iyo faldanbiyeedka ee XCS uu jideeyay.¹⁰⁸ Sidaas oo kale, xeerka madaniga iyo kuwa ka farcama ayaa cadaynaayo sida lagu kasban xuquuqda iyo waajibaadka madaniga ah ee qof kasto oo bulshada ka mid ah iyo wadiiqooyinka lagu waayo xuquuqdaas. Garsoorku ma samayn karo xaq ka baxsan kuwa uu xeerka madaniga iyo kuwa ka farcamay ay sameeyeen, mana kordhin karo mana dhimi karo ilaha xaq iyo sababaha lagu kasbado. Garsoorku marka uu ka garnaqaayo dacwadaha madaniga oo ah kuwa looga garnaqo muranada la xariiro xuquuqda nuucaan ah, waxaa uu ku qasbanyahay in uu u raaco sida uu u nidaamiyay xeerka sal-dhigga u ah xuquuqdaan.¹⁰⁹ Si la mid ah, Xeerarka maamulka ayaa ayuguna nidaamiya

xuquuqda asaasiga ah iyo waajibaadka ka dhalanaayo xuquuqdaas iyo shuruudaha lagu wayn karo ama lagu heli karo xuquudaan.

Garsoorku marka uu ka garnaqaayo dacwadaha maamulka oo ku saabsan go'aanada maamul ee la xariiro xuquuqdaan waa in uu u raaco sida uu u nidaamiyay xeerarka quseeyo xuquuqdaan. Tusaale ahaan, marka uu garsoorku ka garnaqaayo duris ku saabsan go'aan shaqa ka cayrin shaqaale ee ka soo baxay hay'ad Dawladeed waa in uu tixgeliyaa axkaamta ku xusan qod: 55aad ee xeer lr. 11 ee 5/12/2006 iyo qodobada kale ee uu xeerinaayo xeerkaan. Sidaasi si la mid ah, waa in garsoorku uu raacaa dastuurka marka uu ka garnaqaayo muranada dastuuriga ah. Ugu danbayn, garsoorku xaq waxaa uu ku soohdimaynayaa soohdinti uu xeerku dhigay, waajibaadkana waxaa uu ku simayaa inta uu xeerku ku simay, awoodda garsoorkuna waxa ay ku simantahay meesha uu ku simay xeerka nidaaminaayo xaq lagu muransan yahay ee uu garsoorku ka garnaqaayo.

4. Habraacyada Dacwad Qaadista

Sharcigu kuma gaabsan xaddidaada xuquuqda iyo waajibaadka, balse waxa uu nidaamiyay hannaanka loo marayo soo saarista go'aanada la xariiro xuquuqda lagu muran sanyahay.

Xeerka Habka Ciqaabta ayaa xadiday maxkamadda qaadaysa dacwadda marka uu dhoco fal dambiyeed, garsoorkuna waxaa uu ku qasbanyahay ilaalinta xadidaadaas. Dhawris la'aantiisana waxa ka dhalanya in go'aanka la soo saaray uu noqdo mid dhaliilan¹¹⁰. Sidaasi si la mid ah waxaa uu jideeyay hannaanka loo qabanayo eedeysana iyo guud ahaan sida ay tahay in loola dhaqmo. Iyada oo ay qasab tahay in hananakaasi garsooruhu dhawro, islamarkaana hubiyaa habraaca la xariiro fulinta amarka soo qabashda iyo horkeenidda¹¹¹.

Xeerka Habka Ciqaabta waxa uu jideeyay habraacyada la xariiro barista dambiga, taas oo ay tahay in uu raaco boolisku marka uu baaraayo dambiga, garsoorkuna uu hubiyo ilaalinta habraaca uu xeerku

Cutubka 2aad: Marxaladihi uu dalku soo maray iyo saamaynta sharciyada dalka

Horudhac

Xorriyadda ka dib, sharciyadii la dejiyay waxa ay wajaheen caqabado dhawr ah, kuwaas oo ka dhashay marxaladihii uu dalku soo maray ee afgambigii ciidanka, burburkii dawladnimada, xukumadihii kumeelgaarka ahaa iyo kumeelgaarka ka dib, intaas waxaa dheer sharciyaqaannada oo aan kaalintooda qaadan.

Afgambigii ciidanka ka dib, sharciga dalka waxaa uu wajahay caqabado naafeeyay oo ka dhigay mid aan gaari karrin ujeedooyinka loo dejiyay sharciyada oo ah xallinta mushkiladaha iyo khilaafaadka bulshada dhexdeeda ah.

Dawladdii kacaanka ayaa soo saartay xeerar cusub, islamarkaana wax ka beddal ku samaysay xeerakii jiray qaarkood, iyada oo ku salaysay aragtiddii kacaanka, marxaladaan waxaa ka dhashay caqabad uu wajahay sharciga dalka.

Burburkii ku dhacay nidaamka dawladnimo ee 1991-dii, waxaa uu saamayn taban ku yeeshay sharciyaddii dalka u yaallay, taas oo keentay in aan wax ka beddal lagu samayn islamarkaana aysan la jaanqaadin is beddalka ku yimid bulshada.

Xukuumadihi KMG ee dalka soo maray inti u dhexeysay 2000 – 2012 ayaan waxba ku soo kordhin nidaamka sharciga Soomaaliya sababa la xariiro taagdarriddooda, tanina waxa ay ahayd marxalad wadata caqabado ku habsaday sharciga dalka.

Xukuumadihi is xigxigay ee rasmiga ahaa ee soo maray dalka laga billaabo 2012 ilaa hadda, ma sameynin qorshe qaran oo lagu hormarrinayo xeerarka dalka, taasi oo keentay in hay'ad kasta oo ka mid ah hay'adaha dawladda ay iyadu dejisato xeerarka khuseeya, waxaana ka dhalatay natiiyo ah in ay soo baxaan xeerar hay'aduhu isku jimeeyeen oo iska horimanaya, inta badanna aan ka tarjumayn baahida dhabta ah, taas oo noqotay marxalad leh caqabadeeda oo haysta sharciga dalka.

Marka laga yimaado afartan marxaladood ee saamaynta ku yeeshay koboca sharciga, waxaa jira arrin lagu timaami karo caqabad oo ah in sharciyaqaanka Soomaaliga ah uusan cayaarrin kaalinta hagidda iyo tusaalaynta hay'adaha dawladda si loo horumariyo sharciga dalka. Caqabadahaan shanta ah ayaa ah kuwa ugu waaweyn ee naafeeyay nidaamka sharciga dalka.

1. Nidaamkii kacaanka iyo sida taban ee uu u saameeyay koboca sharciga:

Nidaamkii kacaanka waxaa uu soo saaray sharciyo farabadan sidaas oo kale waxaa uu wax ka beddal ku sameeyay xeerar jiritaankooda ka horreeyay curashadiisii, haseyeeshee marki laga soo tago in arrintan ay bixisay weji kacaannimo, waxba kuma soo kordhin sharciga dalka. Tusaale, qodobka 66 XHCS waxaa uu maxkamadda rafcaanka inta ku eg awooddeeda iyo maxkamadda sare u ogolaanayay siidaynta qof kasto oo ku xiran hannaan sharcidarro ah. Qodobkaan waxaa uu labada maxkamadoodba ku caawinayay soo saarista amar siidayn degdeg ah, waxa uuna ka jawaabaayay baahida bulshada, balse lama jaanqaadayn rabitaanka madaxdii xilligaas, maxaayeelay xeer lr 14 ee 15/2/1970 ayaa asaasay ciidamo gaar oo amar soo qabasho la'aan xiri karo ciddi ay u arkaan⁸⁰. Sida muuqato maxkamadaha caadiga ee rafcaanka iyo midda sare waxaa ay soo saareen amarro lagu siidaynayo dadkii ay soo qabqabteen ciidamadan iyaga oo ka duulayo qodobka 66 XHCS, taasina waxa ay keentay in qodobkaan uu carqalad ku noqday howlihii Maxkamaddi Badbaadada oo ahayd maxkamad la sameeyay labo bil ka dib curashadi kacaanka⁸¹. Sidaas darteed, waxaa la soo saaray xeer lr 12 ee 3/3/1970, xeerkan waxa uu hakiyay muddo hal sano ah ku dhaqidda qodobka 66 XHCS waxii dembiyo ah ee hoos immaanaya awoodda Maxkamadda Badbaadada.⁸² waxaa intaas dheer, in xeerkan uu yahay xeer saamaynayay xataa dhacdooyiinkii ka horreeyay, maxaayeelay ku dhaqanka xeerkan waxa uu ka soo billaabanayay 21/10/1969-kii oo ah maalintii uu kacaanku curtay, kana horrayso xilliga la soo saaray xeerka oo ah 3/3/1970⁸³. Sidaas darteed, waxa uu sharcidarro ka dhigay amar siidayn kasto oo ay horay maxkamad u soo saartay, taasi oo ka soo horjeeddo mabda'a diidayo dib u laabashada sharciyada⁸⁴. Xeer lr 12, ee 3/3/1970 ma baabi'in qodobka 66 XHCS, keliya waxa uu hakiyay ku

⁸⁰ Establishment of national security service N.14 15 Feb 1970 Article 1

⁸¹ Establishment of national security court N. 3 of 10 January 1970, article 1

⁸² Sospensione temporanea "Diritto Habeas Corps" N.12 3 March 1970 Articolo 1

⁸³ Sospensione temporanea "Diritto Habeas Corps" 1970 Articolo 3

⁸⁴ Sospensione temporanea "Diritto Habeas Corps" 1970 Articolo 2

dhaqankiisa muddo hal sano ah, waxaa la filayay in hal sano ka dib ay soo laabato dhaqangalnimada qodobka balse ma dhicin arrintaas oo waxaa la soo saaray xeer lr 64 ee 10/10/ 1970 oo gebi ahaanba baabi'iyay qodobkan⁸⁵.

Iyada oo laga duulayo arrinkan waxaan dhihi karnaa XHC ee la soo saaray 1963 ayaa ka hormarsan kan maanta jiro, maaxaayeelay mabaadi' cadaaladeed oo ku jirtay xeerkaas ayaa kan ka maqan. Tani waxa ay daliil cad u tahay in wax ka beddalka sharciyada ee nidaamkii kacaanka uunan ku dhisnayn aragti horumarineed. Tallaabooyinka wax ka beddalka xeerarka ee uu sameeyay nidaamkii kacaanka waxa ay ahaayeen caqabad weyn oo soo wajahday sharciga dalka, taas oo ka qeybqaadatay dib u dhaciisa.

2. Burburkii iyo dhibaataada ka dhalatay.

Burburkii nidaamka dawladnimo ee 1991-dii ku dhacay Soomaaliya waxa uu saamayn taban ku yeeshay sharciga dalka. Burburkan waxa uu sababay howlgabnimada hay'adihii dawlada ee u xilsaarnaa soo saarista, dabaqaadda, iyo fulinta xeerarka. Intii lagu guda jiray burburka, ma jirin baarlamaan soo saaro xeer ama wax ka beddallo, garsoor dabaqo iyo laamo fuliyo intaba. Oday dhaqameedyada ayaa galay booskii hay'adaha dawladda, taas oo soo celisay awooddii xeer-dhaqameedka oo uu dhimmay nidaamka dawladnimada⁸⁶. Tani waxa ay ka dhigan tahay in tareenkii sharciga dalka uu istaagay ka dib markii uu meesha ka baxay nidaamka dawladnimada, sababtu waxa ay tahay, xariirka ka dhexeeyo dawladda casriga ah iyo qaanuunka waa xariir adag oo labaduba waa isku sidkan yihiin⁸⁷. Natijada ka dhalatay ayaa ah in xeerarkii dalku aanay la jaanqaadin is beddalka ku

⁸⁵ Abrogazione del Dirit to Habeas Corps N.64 10 October 1970 Articolo 1

⁸⁶ Stremlau, N. (2012). Somalia: media law in the absence of a state. *International Journal of Media & Cultural Politics*, 8(2), 159-174. https://doi.org/10.1386/macp.8.2-3.159_1

⁸⁷ Rauf, A. (2021). The application of the principle of openness in realizing good governance. *Jurnal Hukum Volkgeist*, 6(1), 46-50. <https://doi.org/10.35326/volkgeist.v6i1.1586>

yimid bulshada ee dhan kasta ah, tanina waa caqabad ka mid ah caqabadaha uu wajahay sharciga Soomaaliya.

3. Taagyaradii dawladihi KMG ee dalka soo maray

Xukuumadihii KMG ee u dhexeeyay 2000 – 2012, waxaa la dhihi karaa waxba kuma soo kordhin nidaamka sharciga Soomaaliya ama wax aan la xusi karrin ayay soo kordhiyeen sida soo saarista sharciga shaqaalaha rayidka ah, sababa la xariiro taagdarridooda, marxaladdan wax badan kama duwaneyn marxaladdii burburka, maxaayeelay hay'adaha dawladda ee u xilsaarnaa horumarinta sharciga magac ahaan ayay u jireen, goobaha ay gacanta ku haaysay dawladda ayaa fara ku tiris ahaa, taas oo sababtay suurtagalnima la'aanta dabaqaadda sharciga iyo horumarintiisa. Had iyo jeerba, dabaqaadda xeerka waxa ay soo ifbixisaa dulduleellada xeerka, ka dibna waxa ay gogasha u xaartaa gorfeynta dulduleelladaas. Xilligan waxa uu ka mid yahay xilliyada uuna sharcigu helin dabaqaad, taasi oo ka dhigan caqabad la mid ah caqabadii jirtay marxaladdii burburka.

4. Qorsha la'aanta xukuumadaha rasmiga ah

Xukuumadihii is xigxigay ee rasmiga ahaa ee soo maray dalka laga billaabo 2012 ilaa hadda, ma sameynin qorshe qaran oo lagu horumarinayo xeerarka dalka, taasi oo iyaduna ah caqabad taagan oo haysata sharciyada dalka. Maadaama sanadkii 2012 la ansixiyay dastuur kumeelgaar ah oo jidaynaynayo nidaamka federaalka, dalkuna uu yeeshay xukuumad rasmi ah, waxa ay ahayd in la sameeyo qorsha qaran oo lagu horumarinayo sharciyada dalka.

Dawladaha ka soo kabanayo burburka ee ku naafoobay dagaallada ahliga ah, waxa ay sameeyaan qorsha qaran oo ay ku horumarinayaan xeerarkooda⁸⁸. Sidaas oo kale,

⁸⁸ (1899). Medical legislation in illinois.. JAMA: The Journal of the American Medical Association, XXXII(16), 889. <https://doi.org/10.1001/jama.1899.02450430043019>

wadamada ka guuray nidaamyadii ay haysan jireen ee u guur nidaamyo kale, waxa ay iyaguna sameeyaan qorsha qaran oo ay ku horumarinayaan sharciyadooda⁸⁹. Marka la eego burburka qaran ee ku dhacay Soomaaliya oo hadda ay ka soo kabanayso, iyo is beddal nidaameedka uu dhaxashiiyay ee ah ka guuridda nidaamkii dawlad dhexe iyo qaadashada nidaam federaal ah oo intaas ay dheer tahay fogaanshiyaha waqtiga la sameeyay xeerarka dalka, waxa ay keeneysaa qasabnimada jiritaanka qorsha qaran ee lagu horumarinayo sharciyada Soomaaliya si loo waafajiyo dastuurka loogana dhigo kuwa la jaanqaado casriga. Tani waxa ay daliil cad u tahay in xukuumadihii rasmiga ahaa ee is xigxigay aynan lahayn aragti fog oo wadata qorsheheeda ku aadan horumarrinta sharciyada.

Jiritaan la'aanta qorshe qaran waxa uu sababay in sharciyada la soo saaray xilligan ay noqdaan:

- Kuwo xoogga saara sharciyo aan baahi degdeg ah loo qabin lagana tago kuwo leh hortabin, tusaale Dastuurka KMG waxa uu sameeyay sharciyada hortabinta leh isaga oo ku xusay jadwalka 1aad (D), sharciyadaas qeyb ka mid ah 12 sano ka dib waxba lagama qaban sida sharciga qeexayo hannaanka lagu heli karo jinsiyadda.
- Kuwo aan ka tarjumayn danaha bulshada, tusaale (Sharci Lr: 8 ee 20 Maarso 2023, Sharciga Kalluumaysiga) waxa uu jideynayaa in ajnabiga sameeya kaluumaysi sharcidarro ah kaliya la ganaaxayo oo aan la xiri karrin.
- Kuwo ay isku jimeyso hay'adda soo jeediso ama soo saarto, tusaale (Sharci Lr.6 ee 20 Maarso 2023, Sharciga Socdaalka Soomaaliya) waxa uu u ogolaanayaa qoyska xildhibaanaka in uu qaato baasaboar diblumaasi ah, halka aanu xusayn qoyska madaxweynaha, waxa kale uu ogolaanyaa in xildhibaanaki hore uu

⁸⁹ Fernando, A. and Susilowati, T. (2023). Legislative functions of the house of representatives in the perspective of the 1945 constitution of the republic of indonesia. *Jurnal Indonesia Sosial Sains*, 4(06), 523-530. <https://doi.org/10.59141/jiss.v4i06.828>, Bonfim, R. W. L., Luz, J., & Vasquez, V. L. (2023). Mandatory individual amendments: a change in the pattern of executive dominance in the brazilian budgetary and financial cycle. *Brazilian Political Science Review*, 17(2). <https://doi.org/10.1590/1981-3821202300020001>

haysto baasaboort diblumaasi ah. Tusaale kale (Sharci Lr.3 ee 08 Maarso 2023, Sharciga Nabadsugidda iyo Sirdoonka Qaranka) waxa uu awooddii booliska qeyb ka mid ah siinayaa hay'adda Nabad sugidda iyo Sirdoonka qaranka.

- Kuwo wax ka beddal lagu sameeyo iyada oo aan la dhaqangelin, tusaale, sharciga doorashooyinka ee 2020, sharciga axsaabta oo labo mar wax ka beddal lagu sameeyay isaga oo aan dhaqangelin, sharciga saxaafadda, dhammaan sharciyadan is beddal ayaa lagu sameeyay iyaga oo aan si dhab ah u dhaqangelin.

Doorka sharciyaqaanka oo maqan iyo sababta ka dambeyso

Dhammaan marxaladahaan la soo maray waxaa qeyb wayn ka ah Sharci-yaqaanka soomaaliyeed oo aan cayaarrin doorka hagidda iyo tusaalaynta hay'adaha Dawlada si loo hormariyo sharciga dalka, taasina waxaa daliil u ah in cilmibaarisyada wax ku oolka ah oo ku saabsan sharciga soomaaliya oo tuba-tusaalaynaayo hay'adaha Dawladda in ay aad u yar yihiin, taas oo cadayn u ah sugnaashada gaabiska sharciyaqaanka Soomaaliga ah. Sharciyaqaan waa dadka bartay sharciga, kuna shaqeeyo, sida garsoorayaasha, qareenada, garyaqaanada Dawladda, xeerilaaliyayaasha, macalimiinta kuliyaadaha sharciga ee jaamacadaha, nootaayiistayaasha iyo la taliyaasha kale oo ka howl galo xafiisyada guud iyo kuwa gaarka ah intaba⁹⁰. Sharciyaqaanka waa udub-dhexaadka horumarrinta sharciyada, maxaayeelay waxa uu sameeyaa cilmi baarisyo joogta ah oo ku saabsan xeerarka, taas oo suura geliso daah ka rogida dhinacyada gaabiska xeerka iyo bixinta talooyin wax ku ool ah. Sidaas oo kale, waxa ay la socdaan is beddalada bulshada iyo sida sharciga ay u saamayn karaan, dabadeedna waxa ay sheegaan xeerarka cusub oo soo saaritooda muhiimka tahay iyo kuwa wax ka beddalkooda loo baahan yahay.

90 UK sanctions regime. (2024, Sep 19). Retrieved from The Law Society:
<https://www.lawsociety.org.uk/topics/anti-money-laundering/sanctions-guide>

Waxa ay dhaliilaan hannaanka loo qoray xeerarka iyo sida ay saamaynta ugu leedahay fahanka xeerka, taasi oo muhiim u ah dabaqaada xeerka.

Cilmibaariseedyada nuucaan ah waxa ay jihataynayaan hay'adda fulinta oo masuul ka ah diyaarrinta hindisa sharciyeedyada, waxa ayna ku caawiyaan ka warqabida hindisa sharciyada horatebinta leh iyo wadada loo maraayo diyaarrinta hindisa sharciyeedyadaas. Sidaasoo kale, cilmibarisyada nuucaan ah waxa ay hagaan hay'ada sharci dejinta xilliga ansixinta hindisa sharciyeedyada, ayada oo halkaas ka soo baxo sharci si qurux badan loo kariyay oo dhadhamaayo islamarkaana haqabtiri karo baahida bulshada.⁹¹ Sababta ka danbayso maqnaanshaha doorka sharciyaqaanka ayaa ah kartiyarida la soo diristay oo ka dhalatay laba arimood oo ah soomaaliya oo aan waligeed laga hirgelin talinta sharciga iyo burburkii dalka uu saamayn xun reebay, labadaas arimood oo aan ku faahfaahsan sadarada hoose:

1. Hirgelin la'aanta talinta sharciga iyo sida ay u saameysay sharciga.

Marka aad aqrisid taariikh xeerredka soomaaliya waxaa kuu soo baxayso in talinta sharcigu aynan waligeed ka hirgelin Soomaaliya, sababtoo ah, sagaal sano ka dib xurnimadii waxaa la baabi'iyay dastuurkii dalka oo bud-dhig u ahaa talinta sharciga, sidaas ayayna Dawladnimadu u geftay marrinka talinta sharciga, una raacday marrinka talinta shaqsiga.⁹² Taasi waxa ay dhalisay in xeerarka loo geliyo shaatiga rabitaanka madaxda, halki loo gelin lahaa shaatiga danaha bulshada. Waxaa intaas dheer in xeerarkii diyaarsanaay oo ka hoos dhashay dastuurkii la baabi'iyay in qaarna la kacaameeyay oo laga badalay axkaamti aan caawinayn rabitaanka nidaamki xilligaas jiray.⁹³ Caqligu waxaa uu keenayaa in raacida dariiqaan ay saamayn xun ku lahayd hab fikirka sharci yaqaanka Soomaaliya, maxaayeelay waxaa uu billaabayay

⁹¹ Mak, E. (2015). Watch out for the under toad: role and method of interdisciplinary contextualisation in comparative legal research. Erasmus Law Review. <https://doi.org/10.5553/elr.000041>.

⁹² Biyo, M. (2023). Development of the democratic system in somalia since the carts reconciliation 2000. International Journal of Education Humanities and Social Science, 06(04), 260-275.

⁹³ محمد حسن ثاني، 'حكم القانون في الصومال قبل السقوط والانهار' دار الزيلع للطباعة والنشر، ص. 16.

in uu ka fikiro rabitaanka madaxda, halkii uu ka fikiri lahaa danaha bulshada dabadeedna uu shaqadiisa ku aadan xeerarka uu ku saleeyo rabitaanka madaxda halkii uu ku salayn lahaa baahida bulshada. waxaa hubanti ah in nadaamyada aanan dhiiri gelinayn talinta sharciga ay abuuraan jawi cariiri gelinaayo fikirka xurta ah ee sharci yaqaanka ee ku aadan horumarrinta sharciyada.⁹⁴ Dhaqanka qancinta madaxda waxaa uu saameeyay sharci-yaqaanka soomaaliyeed, taasi oo sharciyada dalka ka dhigtay kuwa la jaan-qaado rabitaanka madaxda halkii ay noqon lahaayeen kuwa u adeego bulshada. La taliyaasha arimaha sharciyada ee wasaaradaha iyo xafiisyada kale ee Dawlada kama anba qaadaan baahida bulshada ee waxa ay ka duulaan rabitaanka cida u sareeyo xafiiska, marka ay bixinaayaan talooyinka la xariiro sida ay xeerarku u qeybinaayaan awoodaha iyo arimo kale oo badan. Wasiirada wasaaradaha iyo madaxda xafiisyada kale ee madaxa banaan iyagana waxaa laga yaabaa in ay ka fikirkaan rabitaanka madaxda dalka u sarayso. hab fikirkaan qaldan waa dhaqan leeska dhaxlay oo jiilba jiil uu ku wareejiyay ilaa uu ka soo gaaro xiligaan aan joogno.

2. saamaynta taban ee buburkii uu ku reebay sharci-yaqaanka.

Buburkii ku dhacay soomaaliya 1991-dii, waxaa uu sharci-yaqaanka soomaaliyeed ku reebay saamayn xun oo hoos u dhigtay wax soo saarkiisa, ka dib markii uu abuuray gaab ku aadan dhinaca dabaqaada qaanuunka, maadaama uu meesha ka baxay adeegii dowlanimada, fawdaduna ka guulaysatay kala danbaynta, ka fikirida sharciga, barashadiisa, iyo soo hadal-qaadidiisaba ay gaartay heer loo maleeyo in ay tahay xikmad xumo. Tani waxa ay dhalisay in sharci-yaqaanka soomaaliyeed ee casriga ah yahay laba qeybood:

⁹⁴ Solomon, P. (2007). Courts and judges in authoritarian regimes. *World Politics*, 60(1), 122-145.
<https://doi.org/10.1353/wp.o.0004>.

A. qeyb loo yaqaan qurba joog.

Sharci-yaqaanka soomaaliyeed ee loo yaqaano qurba joogta, waa qalinjebiyashii kuliyaadaha sharciga xiliyadii sideetameeyadii ee iyaga oo aan wali bislaanin uu ku dhacay burburkii 1991-dii, kaas oo ku qasbay qaxooti ku noqoshada dalal shisheeye, ayadoo dantu biday in xamaali ka noqdaan wadamadi ay u qaxeen, sidaasna ay isku macasalaameeyeen iyaga iyo sharcigii ay barteen. Sanadkii 2012 waxaa bilawday dib u soonoqoshada qurba joogta, sharci yaqaanka qurba joogta ahna waxaa uu ka mid ahaa dadkii dib ugu soo laabtay wadankooda. Badanaa waxa ay ahaayeen dad ku hadlo luqadaha qalaad, taas oo ku caawisay ka faaiidaysiga fursadaha ay baxshaan hay'adaha UN-ka oo badanaa maalgeliyo mashaariicda qorista hindisa sharciyeedyada iyo mashaariicda kale ee la xariira xeerarka. sidaas darteed waxa ay heleen fursada ugu badan ee ku shaqaynta sharciga si la mid ah qurba joogta kale oo helay shaqooyinka ugu badan. Qeybtaaan, badana waa sharciyaqaano kusoo hana qaaday nidaamkii kacaanka, oo kaalinta laad ayay uga jiraan qancinta madaxda xiliga la bixinaayo talooyinka sharci ee la xariiro samaynta iyo wax ka beddalka xeerarka, waxaase u dheeri ah in ay gaboobeen ayagoo ka shaqaynaayo shaqooyin aan la xariirin sharciga oo u badan xamaalinimo, taasi oo sabatay hilmaamida cilmigii ay barteen sideetameeyadii islamarkaana uu ka dhaqaaqay tareenka is beddalada mabaadi'ada shaciga, hadana cajiradoodu aynan ka daba gayn Karrin tareenkaas ay ka hareen sodonsano ka hor da'da iyo daalkii ay la kulmeen daraadood. Awoodoodu waxa ay ku soo uruurtay turjumaada sharciyada wadamada shisheeye marka loo xilsaaro diyaarrinta hindisa sharciyeedyada, halkaasna uu ka soo baxo sharci kalamaan ah oo aan la fahmikaarrin madaama badanaa lagu turjuma aalada turjumaada (google translate) isla markaasina aan waxba ka qaban karrin baahida bulshada soomaaliyeed. In sharciyaad qaarkood lagu tarjumay aalada turjumaada

(google translate) waxaa ay ku cadahay qodobada qaarkood oo ay ka dhexmuuqdaan erayo afaf qalaad. eeg faqrada 1aad ee qodobka 31aad ee sharciga **ka hortaga lacag dhaqida iyo maalgelinta argagaxisada** oo u qoraan sidaan

*“Markuu weydiisto Xeer Ilaaliyaha Guud **Upon application from the Attorney General** sida ku xusan Qod. 32, iyo markay Maxkamaddu ku qanacdo, iyada oo ku qiimeyneysa suuragalnimada iney jiraan saldhig lagu tuhmo in faqradda (a) iyo faqradda (b) ama ay taagan yihiin, waxa ayna amri kartaa in la xayiro”.*

Faqradaan waxa ku qoran wheedha **“Markuu weydiisto Xeer Ilaaliyaha Guud”** isla markaana waxaa ku qoran islaweedhaas oo afqalaad ah **Upon application from the Attorney General**, taas oo muujinayso in sharcigaan uu yahay mid laga soo tarjumay sharci kale ee ku qoran af qalaad.⁹⁵

B. qeybta da’ yarta sharciyaqaanada.

Qeybtaan waa sharciyaqaanadi billaabay barashada sharciga burburkii ka dib, waxa ay iskugu jiraan kuwa ka qalinjebiyay kuliyaadaha sharciga ee fara ku tiriska ah oo ay lahaayeen qaar ka mid ah jaamacadihii wadanka oo la sameeyay burburkii ka dib iyo kuwa ka soo qalin jibiyay jaamacada ku yaalo dibada oo u badan kuwa ay leeyihiin dalal carbeed. Labada qeyboodba waxa ay ka midaysanyihiin in ay wax ku soo barten manhajyo lagu saleeyay sharciyada wadama kale oo aanan is lahayn, mana helin tababaro ku filan. Arrintaan, waxa ay dhalisay laba arimood oo ah kala aragti duwanaasho ku aadan fahanka xeerarka iyo in ay la daala dhacaayaan isku karrinta cilmigii ay soo barten iyo sharciyada dalka. Qeybtaan, dhalinyaranimadooda ayaa ku caawisay ka warqabka

⁹⁵ Sharciga ka-hortagga lacag-dhaqidda iyo maal-galinta argagaxisada N.1 21 Feb. 2016 Qodob 31

mushkiladaha qaanuuneed ee casriga ah, hayeeshee waa ogoon oo cidna kama dhaxlin xirfadaha lagu hormariyo sharciga, sida dabaqaada xeerka, diyaarrinta dukumiintaya sharci iyo adeegyada kale ee la xariiro horumarrinta sharciyada. Sidaas darteed dalaga wax soo saarkooda ku aadan horumarrinta sharciyada waxaa la gurandoonaa wixi ka danbeeyo

Cutubka 3aad: dib u dhaca sharciyada dalka

Shanta caqabadood oo aan ku sheegnay cutubka 2aad waxa ay xeerarka dalka ka dhigeen kuwa aan casri ehayn oo ka haray waqtiga. Xeerarka dalka waxa ay noqdeen kuwa gabowgoodu uu keenay in ay casriga la jaan qaadi waayaan iyo kuwa cusub balse ku dhaliilan farsama-xumo, sida aan hoos ku faahfaahin doonno.

1. Xeerarka dalka ma xallin karaan mushkiladaha casriga ah.

Xeerarka dalka ma xallin karaan mushkiladaha qaanuuneed ee casriga ah. Mushkiladaha qaanuneed ee casriga ah waxaa loola jeeda dhibaatooyinka qaanuuneed oo ay soo bandhigtay nolasha casriga ah, kuwaasi oo aan maskaxda lagu haynin marki la sameynaayay xeerarka dhaqan-gal ka ah. Duugoobidda qaar ka mid ah xeerarka dalka ayaa sababtay in ay xallin waayaan mushkiladaha qaanuuneed ee casriga ah, sida danbiyada Internet-ka iyo kuwa la halmaala. Tusaale, XCS ma xallin karo danbiyada la xariiro ilma beerista oo waayihii danbo isbitaalada qaarkood ay baraha bulshada ka xayaysiinaayeen adeegyada lagu sameeyo. Sidaas oo kale, ma jiro xeer gaar ah oo nidaaminaayo adeegaan casriga ah. Aan ka soo qaadno in lamaane ay ku heshiiyaan in ay sameeyaan ilma beeris ayna qaataan mani (shahwo) uu nin sadaxaad leeyahay, dhaqtarkiina uu ogolaado arrintaan sidaasna uu ku dhasho ubad. Ubadkii markuu dhashay ayuu ninkii diiday in uu aabe u yahay ubadkaan. Booliska ayaa ka war helay, baaris ka dib waxaa soo baxday in dhaqtarka, lamaanaha, iyo ninka sedaxaadba ay heshiis ku ahaayeen samaynta arrintaan. XCS lagama soo helaayo qodab qeexaayo danbinimada falkaan, dabadeedna sheegayo cigaabta dadka ku kaca falkaan. Marka si sax ah loo fiiriyo falka ay sameeyeen afartaan qofood waa fal bulshada dhibaataynaayo, islamarkaana ka soo horjeedo

shareecada islaamka. Waxaa loo baahanyahay in la helo xeer nidaaminaayo adeegaan (ficilkan) iyo dhibaatooyinka qaanuuneed ee laga yaabo in ay ka dhashaan. Xeer sheegayo shuruudaha xarumaha qabanayo adeegaan, xarun kasto miyaa sameyn karto mase ruqsad gaar ah ayaa dawladda loogaga baahan yahay, sidaas oo kale nidaaminaayo Shuruudaha dadka loo sameynayo ilma beerista, qof kasto miyaa loo sameyn karaa mase waxaa loo sameyn karaa dadka ma dhaleeska ah kaliya, sidaas oo kale qeexayo danbinimada falalkaan guracan oo dhibaateynaayo bulshada, lagana yaabo in ay ka dhashaan hirgalinta adeegaan, iyo ciqaabta lagu ridaayo dadka ku kaco falalkaas iyo arrima kale oo badan.

2. Xeerarka dalka (ka ma faa'iidsanayaan) faaiidsanmaayaan adeegyada casriga ah

Xeerarka dalka ee hadda jiro kama faa'iideysanayaan adeegyada cusub oo casrigu keenay. Adeegyadan aad ayey u fara badanyihiin, balse waxaan qimaynaynaa adeegyada fududayn kara afar arimood oo kala ah: cadaymaha kiisaska, fadhiyada dhegaysiga dacwadaha, gudbinta dukumiintiyada garsoorka iyo gaarsiinta go'aanada maxkamadda iyo tilaabadaha kale.

1) Cadaymaha dijitaalka ah (elektarooniga)

Cadeymaha dijitaalka ah waxa ay ka mid yihiin adeegyada casriga ah ee ay soo kordhisay teknoolajiyadu, waxaana lagu tibiaaxaa macluumo ama xog kasto oo lagu kaydiyo ama lagu gudbiyo qaab dijitaal ah, taas oo loo adeegsan karo cadaymaha arimaha lagu muransanyahay inta lagu gudo jiro dacwadaha madaniga ah ama kuwa ciqaabta.⁹⁶ Cadeymaha dijitaalka waxaa ka mid ah kuwan hoose:

- E-mail-lada iyo fariimaha caadiga ah oo ay isu diraan dadka ehellada, asxaabta shaqo wadaagta ah, iyo laba qofood oo kasto, ayaa ka mid ah cadeymaha dijitaalka ah. Waxaana cadeymahan soo hoos galayo

⁹⁶ Khan, M. S. and Bhatti, S. H. (2023). Digital evidence and pakistani criminal justice system: a review article. Journal of Social Sciences Review, 3(1), 489-498. <https://doi.org/10.54183/jssr.v3i1.198>

fariimaha e-mail-lada, fariimaha gaaban (SMS), fariimaha la isugu diro whatsapp-ka, telegram-ka, ama aalad kasto oo dadku ku xariiraan oo farriin qoraal ah la isugu diri karo.

- Post-yada la soo dhigo baraha bulshada sida Facebook, Twitter, Instagram, ama Tiktok, ayaa ka mid ah cadeymaha dijitaalka ah.
- Faylasha lagu kaydiyo computer-ka sida Word documents-ka, pdf-documents-ka, iwm, ayaa iyagane ka mid ah cadeymaha dijitaalka ah.
- Sawirrada Dijitaalka ah iyo Muuqaallada ee lagu qaado ama lagu duubo kaamirooyinka ama taleefanada, ayaa soo galayo cadeymaha dijitaalka ah.
- Codadka la Duubo oo ay ka mid yihiin codadka fariimaha, wicitaanada la duubo, ama kuwa lagu duubo qalabyada kala duwan ee faylasha maqalada (audio files), ayaa ka mid ah cadeymaha dijitaalka ah.
- Taariikhda baarista Internetka (search history) oo muujiso bogaga internetka ee la booqday ayaa ka mid ah cadeymaha dijitaalka ah.
- Is-dhaafsigu Maaliyadeed ee Dijitaalka ah sida Diiwaanka bangiyada internetka, lacagta crypto currency, ama xogta e-wallet-ka ayaa ka mid ah cadeymaha dijitaalka ah.
- Xogta GPS sida Diiwaanka GPS, xogta taawarrada taleefanka, ayaa ka mid ah cadeymaha dijitaalka ah.

Badanaa, Dawladaha Caalamka, waxa ay soo saareen sharciyo nidaaminaayo adeegyada sare ku xusan si caddeyn ahaan loogu adeegsado maxkamadaha hortooda. ⁹⁷ Hayeeshee, xeerka madaniga soomaaliya waxaa uu soo

⁹⁷ Chow, K., Law, F. Y. W., & H., Y. (2014). Understanding computer forensics requirements in china via the “panda burning incense” virus case. *Journal of Digital Forensics, Security and Law*.

<https://doi.org/10.15394/jdfsl.2014.1170>, Ismail, W. A. F. W., Baharuddin, A. S., Mutalib, L. A., & Alias, M. A. A. (2021). A systematic analysis on the admissibility of digital documents as evidence in malaysian syariah courts. *Pertanika Journal of Social Sciences and Humanities*, 29(3).

<https://doi.org/10.47836/pjssh.29.3.26>, Khidzir, N. Z. and Ahmed, S. A. (2019). Towards fact-based digital forensic evidence collection methodology. *International Journal for Information Security Research*, 9(1), 848-853. <https://doi.org/10.20533/ijisr.2042.4639.2019.0097>

bandhigayaa shan arimood oo lagu cadeeyo xuquuqda shaqsiga kuwaas oo kala ah: qiraal, qoraal rasmi ah, qoraal curfi ah, dhaar iyo qariino. Cadaymaha dijitaalka ah ka mid ma ahan arimaha uu xeeriyay XMS.⁹⁸ Xeerka madaniga soomaaliya iyo xeerka habka madaniga labaduba ma nidaaminayaan cadaymaha dijitaalka ah, balse qod. 80 XHMS: ayaa garsooraha ula hadlaayo si furan oo laga dheehan karo in garsooraha ay u furantahay adeegsiga Caddeymaha dijitaalka ah. Waxaa marag-madoonta ah in niyadii xeerdiyayaha aynan ehayn furnaashada adeegsiga Caddeymaha dijitaalka ah, maxaayeelay cadaymahan maba jirin xilliga la soo saaray XHMS, hayeeshee qodobka ayaa u qoran qaab keenayso in wax kasto ay soo hoos galaan.

XHCS soomaaliya waa qaanuun ka shidaal qaadanaayo nidaamka angalasaksooniga (Common Law), sidaas darteed waxaa uu awood siinayaa garsooraha. Kaliya waxaa uu waajibinayaa in dhacdada la cadaynaayo ay noqoto xaqiiqada muranka (fact in issue) ama xaqiiqo qiima gal ah (relevant fact).⁹⁹ Sidaas oo kale, waxaa uu xadidayaa dhacdooyinka uu u yaqaano xaqiiqo qiima gal ah. Qodobka 200 ee XHC soomaaliya ayaa garsooraha xur ka dhigaayo marka uu qiimaynaayo caddaymaha. Xeerku sooma koobin wadiiqooyinka lagu sugaayo dhacdada ha noqoto xaqiiqada muranka (fact in issue) ama ha noqoto xaqiiqo qiima gal ah (relevant fact). Inkastoo XHCS nidaamiyay qaar ka mid ah wadiiqooyinka lagu sugo dhacdooyinka sida maraga, khabiirka iyo qiraalka, hadane cadaymaha dijitaalka ah ka mid maahan cadaymaha lagu nidaamiyay.

2) dhegaysiga dacwadaha hannaan fogaan arag ah.

Adeega fadhiyada fogaan araga (video conference) waa adeeg casri ah oo teknoolajiyadu soo kordhisay sidaas darteed ayaa Dawlada badan uga

⁹⁸ Qod: 388,391,397,401,406,407, 412 ee XMS

⁹⁹ Xeerka Habka Cigaabta Soomaaliya N. 1 1 June 1963 Qodob 135

faa'iideesteen fadhiyada dacwad qaadista waxa ayna ku soo kordhiyeen garsoorkooda maxkamadaynta fogaan-aragga.¹⁰⁰ Waxaa ka mid ah Ujeeddooyinka Maxkamadaynta Fogaan-Aragga:

- Fududeynta helitaanka caddaaladda, gaar ahaan dadka ay ku adkaato imaanshaha maxkamadda sababo la xiriira masaafada ama xaaladaha caafimaad.
- Hoos u dhigista kharashaadka safarka dhinacyada, markhaatiyaasha, iyo qareennada.
- Ka jawaabidda xaaladaha degdegga ah: Sida cudurrada faafa ama musiibooyinka dabiiciga ah oo caqabad ku noqon kara isu-imaatinka.

XHMS iyo XHCS ma nidaaminaayaan axkaamta la xariirto maxkamadaynta hannaanka fogaan araga taas oo ka dhigan in sharciyada soomaaliya aynan ka faa'iidayanayn adeega casriga ah (video conference).

3) Hannaanka gudbinta dukumintiyada garsoorka.

Xeerka habka madaniga (XHM) iyo xeerka habka ciqaabta (XHC) ee dhaqangalka ah waxa ay taageeraayaan kaliya habka **dukumiinti Gudbinta Gacanta ah**, mana dhiirigelinayaan hababka casriga ah, si loo fududeeyo adeegyada garsoorka. Habka **dukumiinti Gudbinta Gacanta ah** waxaa loola jeedaa in dhinacyadu Shakhsi ahaan ama ayagoo u maraayo qareenadooda ama ayagoo adeegsanaayo boostada ay yimaadaan xarumaha garsoorka ayna soo gudbiyaan dukumiintiyada, dabadeedna howlwadeenada garsoorku ay ka qabtaan ayna sugaaan qabashda dukumiintigaas.¹⁰¹ Waxaa

¹⁰⁰ Pangan, M. J. M. and Dausan, A. F. (2024). Evaluation of the use of court video conference hearings in angeles city, philippines. International Journal of Multidisciplinary: Applied Business and Education Research, 5(5), 1758-1775. <https://doi.org/10.11594/ijmaber.05.05.23>, Foussard, C., Vigil, A., & Pérez Cruz, M. (2023). Impact on child justice in a world of digital courts: perspectives from the bench. Intersections, 9(2), 29-53. <https://doi.org/10.17356/ieejsp.v9i2.1143>

¹⁰¹ Xeerka Habka Ciqaabta Soomaaliya N. 1 1 June 1963 Qodob 213, Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974 Qodob 120

jiro habab casri ah oo teknoolajiyadu sahashay oo maxkamada loogu gudbin karo dukumiintiyada, si looga faaiidaysto horumarka tiknoolajiyada iyo hal-abuurka, waana habab ay adeegsadaan nidaamyada garsoor ee Dawladaha casriga ah.¹⁰² waxaana ka mid ah

- hannaanka mareeg ku diridda (Electronic Submission via Websites)
- hannaanka e-mail ku diradda (Submission via E-mail).
- Adeegsiga application-ada.
- Adeegsiga sistamyada database yada iyo
- Kuwa kale.

Hannaanadaan casriga ah ee sare ku xusan waxa ay soo kordhin karaan fudayd, waxa ay yarayn karaan qarashaadka baxaayo, waxaa kale oo ay ka qeyb qaadan karaan dhaqsiimada adeegyada garsoor, hayeeshee xeerarka dhaqan galka ayaan sharciyaynaynin.

4) Hababka Gaarsiinta.

Habraacyada Ogeysiisyada iyo gaarsiimaha garsoorka waxa ay ka mid yihiin habraacyada ay jideeyeen xeerka habka madaniga iyo xeerka habka ciqaabta¹⁰³, waxaana loo adeegsadaa in lagu wargeliyo dhinacyada dacwadda go'aannada maxkamadaha ama tilaabadaha kale ee la xiriiira dacwadaha. Ogeysiisyada garsoorku waxa ay dhinacyada ku caawiyaan helidda xogaha la xariiro kiiskooda, taasi oo qeyb ka qaadanayso helidda fursada is difaaca. Habka ay u dhacaan gaarsiimaha iyo ogeysiisyada ee ku xusan xeerka habka

¹⁰² Paudel, K. (2020). Knowledge management practices in nepalese judiciary: a case of supreme court of nepal. *International Journal of Law and Management*, 62(5), 495-505. <https://doi.org/10.1108/ijlma-01-2020-0016>, Mosweu, T. (2021). Access to electronic court records in botswana. *ESARBICA Journal: Journal of the Eastern and Southern Africa Regional Branch of the International Council on Archives*, 40, 87-99. <https://doi.org/10.4314/esarjov40i7>, Wati, H., Kamello, T., & Sastro, M. (2023). The development of procedural law through the e-court system after pandemic in indonesia. *Veteran Law Review*, 6(SpecialIssues), 15-27. <https://doi.org/10.35586/velrev.v6ispecialissues.4957>

¹⁰³ Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974 Qodobada 121, 129, 94, 95, 69

madaniga ayaa ah hababkii hore ee la adeegsan jiray ka hor inta aanay soo bixin tiknoolojiyadda casriga ah, waxaana ka mid ah:

A. Gaarsiin Toos ah

Shaqaalaha maxkamadda, sida gaarsiiyaha ayaa qaado warqad waxaa uuna gacanta ka saaraa qofka la gaarsiinaayo, ama waxaa uu u dhigaa hoygiisa, ama waxaa loo marsiiyaa hay'ado kale ee Dawladeed oo uu xeerku tilmaamay, sida xafiiska xeerilaalinta, xafiisyada dublamaasiyadda, xafiiska garyaqaanka guud iyo xafiisyo kale.¹⁰⁴

B. Boostada.

Boostadu waxa ay ka mid tahay aaladaha dhinacyada lagu gaarsiiyo dacwadda, go'aanada maxkamadaha iyo tilaabaha kale ee la xariiro dacwadda.¹⁰⁵

Labada waddo oo sare ku xusan waa labada waddo ee asal ahaan xeerku jideeyay si ay marrin ugu noqdaan gaarsiimaha maxkamadaha, waxaase jiro wadooyin kale oo uunan xeerku magacaabin hayeeshee uu si fadfaad ah u sheegay ayada oo waliba uu shardi ka dhigay in uu culees ka yimaado raacida labada waddo ee boostada iyo gaarsiinta tooska ah, waxaana ka mid ah:

- Dirista E-maylka.
- Farriimaha Gaagaaban (SMS).
- Barnaamijyada Dijitalka ah ee Adeegyada Garsoorka.
- Adeegsiga Baraha Bulshada.
- Isticmaalka Tiknoolojiyadda Raad Raaca (GPS).
- Adeegsiga WhatsApp ama Telegram iyo
- Kuwa kale oo badan.

¹⁰⁴ Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974 Qodobada 95-106

¹⁰⁵ Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974 Qodobada 107

Xeerku ma magac-dhabaayo adeegyadaan casriga ah ee noqon karo aalado garsoorku uu adeegsado si loo gaarsiiyo dhinacyada tilaabaha garsoor. qod: 108 XHM waa laga fahmi karaa furnaashaha adeegsiga qaar ka mid ah aaladahaan casri ah iyo kuwa kalaba, balse waxaa loo baahanyahay nidaamin intaas dheeri ka ah. Waxaan shaki ku jirin in aaladahaan casriga ah aynan jirin xilligi la soo saaraayay XHMS, sidaas darteed ujeedada xeer-dajiyaha uu ka lahaa qodobka 108 ee XHMS ma ahayn jideynta adeegsiga aaladahaan, hayeeshee habka uu u qoran yahay qodobku ayaa ah qaab wax kasto soo galaayaan.

3. Xeerarka dalka lama jaanqaadayaan nidaamka federaalka.

Xeerarka dhaqan-galka ah lama jaan qaadi karaan dastuurka federaalka, sidaas darteed waxa ay u baahanyihiin federaalayn. Soomaaliya marki ay qaadatay xornimda sanadki 1960-kii, waxaa la sameeyay xeerar ku saleysan dastuurki xiligaas. Sanadki 1969-kii, marki dalku is-badalay nidaam ahaan, waxaa wax ka beddal lagu sameeyay xeerarki ku hoos sameysmay dastuurki 1960-kii, ayada oo lagu soo kordhiyay axkaam la xariirto mabaadi'ida hanti-wadaaga. Sanadki 2004, waxaa la soo saaray cahdi qarameedki ku meel-gaarka ahaa, kaasi oo jideeyay nidaamka federaalka ah. Cahdi qarameedkaas waxaa badalay Dastuurka Jamhuuriyadda Federaalka Soomaaliyeed oo la soo saaray sanadki 2012, kaasi oo dhidabada u aasay mabaadi'da federaalka, taasi oo keentay baahida is-bedel ku samaynta qaabdhismeedka hay'adaha Dawladda, oo ay ka midyihiin hay'adaha garsoorka.

Qodobka 105, ee Dastuurka Jamhuuriyadda Federaalka Soomaaliyeed, waxa uu wax ka beddal ku sameeyay qaab-dhismeedka maxkamadaha asaga oo ka anba qaadaayo mabaadi'da federaalka oo isla dastuurkaan dhidabada u aasay. Sidaas darteed, Xeerka Nidaamka Garsoorka ee Lr. 3 ee soo baxay 1962-di iyo Xeerka Nidaamka Garsoorka ee Lr. 34 ee soo baxay 1974-ti, waa laba Xeer Nidaam Garsoor oo aanan la jaan-qaadi karrin xaaladda casriga ee Soomaaliyada cusub.

Sidaas oo kale, ma xalin karaan mushkiladaha dastuurku uu soo if-bixiyay oo saameyn ku yeeshay qeybinta awoodaha maxkamadaha. Sidaasi awgeed, waxaa loo baahnaa xeer kala saaraayo awoodaha maxkamadaha federaalka iyo awoodaha maxkamadaha Dawlad goboleedyada. Waxaa intaas dheer, in ay samaysanyihiin maxkamado Dawlad goboleedyo oo iskugu jiro maxkamad darajo 1aad, maxkamad darajo 2aad, iyo maxkamad sare, ayada oo ay dheertahay jiritaanka maxkamad federaal ah. Sidaas darteed, hadda waxaa wado shaqeeyo maxkamadaha Dawlad goboleedyada iyo maxkamadaha federaalka ayada oo uusan jirin xeer u qeybiyay awoodaha labadaasi maxkamadood, taasi oo ah mushkilad qaanuuneed oo casri ah oo ka dhalatay qaadashada nidaamka federaalka, xeerkuna uu ka gaabiyay xallinta mushkiladaasi.

Cutubka 4aad: Saameynta taban ee dib u dhaca xeerku ku leeyahay casriyeynta garsoorka.

Xeerka ciqaabta ee dhaqan-galka ah ayaa ah caqabad ku horgudban casriyeynta garsoorka si uu xal ugu heli karo denbiyada casriga. Xeerka madaniga ayaa asaguna saamayn ku leh casriyeynta garsoorka si uu u xaliyo mushkiladaha casriga ah ee la xariiro arimaha madaniga ah. Xeerka habka madaniga ah (XHM) iyo xeerka habka ciqaabta (XHC) ah ayaa ayaguna hortaagan casriyeynta habraacyada dacwad qaadista

1. Saameynta taban ee xeerka ciqaabta ku leeyahay casriyeynta garsoorka

Xeerka ciqaabta ee dhaqan-galka ah ayaa ah caqabad ku horgudban casriyeynta garsoorka si uu xal ugu heli karo denbiyada casriga. Xeerka ciqaabta waa xeerka guud ee nidaamiya danbiyada iyo ciqaabtooda, sababtaan ayaana ka dhigayso udub dhexaadka dacwadaha ciqaabta. Qodobka 1aad ee xeerkaan waxaa uu jideeyay mabda'a cadaynta fal-danbiyeedka iyo ciqaabta. Mabda'aan ayaa qasab ka dhigaayo in garsoorku uu raaco qodobada qaanuunka marka uu ka gar-naqaayo dacwadaha ciqaabta. Taas macnaheedu waa garsooruhu fal-danbiyeedka uu ku helaayo

eedaysanaha si wafaaqsan faqrada laad ee qodobka 123 oo lala akhriyay qodobka 120 XHCS, faqradiisa waa in uu noqdaa fal xeerku cadeeyay fal-danbiyeednimadiisa ka hor inta uunan ku kicin eedaysanuhu. Hadii falka eedaysanaha lagu eedaynaayo uunan xeerku cadayn fal-danbiyeednimadiisa, ama xeerku uu cadeeyay fal-danbiyeednimada falka ka dib marka uu ku kacay eedaysanahu, garsooraha uma furna in uu ku helo. Sidaas si la mid ah ciqaabta uu garsooruhu ridaayo waa in ay noqotaa ciqaab xeerku cadeeyay.¹⁰⁶ Qodobka laad ee xeerka ciqaabta waxaa uu u diidayaa garsooraha in uu raaco aaminaadiisa la xariirto falalka marka la horkeeno kiis ku saabsan mid ka mid ah danbiyada casriga ah. taas macnaheedu waa in uu garsooruhu xal u waayay mushkilad haysato bulshadii uu u garnaqaayay. Mabda'a cadyanta danbiga iyo ciqaabta waa mabda' cadaaladeed oo wanaagsan, kuna salaysan fikrada digniin hore taas oo laga qaatay shareecada islaamka, balse qaladku waxaa uu ka dhashay gaabiska hay'adaha xeerdejinta oo ka haray nolosha bulshada.

2. Saameynta taban ee xeerka madaniga uu ku leeyahay casriyeynta garsoorka.

Xeerka madaniga soomaaliya waa xeerka aabaha u ah xuquuqda madaniga ah, sidaas darteed asaguna waa udubdhexaadka dacwadaha madaniga, taas oo ka dhigan in xeerkaan uu saamaynaayo go'aanada garsooraha. Xeerkaan waxaa uu cadaynayaa in ilaha xukunku ay ku koobanyihiin xeerka, shareecada, mabaadi'da cadaalada iyo sinaanta. Garsooruhu marka hore waxaa uu cuskanayaa qodobada xeerka nidaaminaayo mowduuca, xeerkaan waxaa uu noqon karaa xeerka madaniga naftirkiisa ama waxaa uu noqon karaa xeerarka gaarka ah ee ka farcamay xeerka madaniga. Garsooruhu hadii uu xeerka ka waayo qodob uu cuskado waxaa uu cuskanayaa shareecada islaamka taas oo ka balaaran xeerka, hadii labadaba uu ka waayana waxaa uu ka raadinayaa cadaalada ijtimaciga iyo cadaalada.¹⁰⁷ Inkastoo qodobku sidaan u dhigan yahay, hadane ma cado sida

¹⁰⁶ Xeerka Ciqaabta Soomaaliya N.5 16 Decmber 1962 Qodobada 1, 2

¹⁰⁷ Xeerka Madaniga Soomaaliya N.37 2 June 1973 Qodobka 1

shareecada looga weyn karo xukun. Si kasataba, Xeerka madaniga waxaa uu uga duwanyahay xeerka ciqaabta in uu garsooraha u sameeyo ilo kale oo xeerka qoran ka dheeri ah, kuwaas oo garsooruhu uu u baxsan karo, halka xeerka ciqaabtu uunan ogolayn dabaqaada wax ka baxsan qodob uu xeerdejiya qoray. Kala duwanaashadaan ayaa miisaan saarayso heerka ay gaarsiisantahay caqabada uu mid kasta ku yahay garsoorka si uu u naqdo garsoor casri ah. Xeerka madaniga waa ka caqabad yaryahay xeerka ciqaabta maadaama uu bixinaayo fursad uu garsooruhu ku raadsan karo ilo ka baxsan qodobada xeerka. Si kasto oo ay tahay, waa lagama maarmaan helida xeerar casri ah oo la xariiro arimaha madaniga ah oo casrigaa si garsooraha ay ugu fududaato maaraynta mushkiladaha madaniga oo casriga si garsoorku uu u yeesho waji casri ah.

3. Saameynta xeerka habka madaniga ku leeyahay casriyeynta garsoorka.

Xeerka Habka madaniga waa xeerka xaddidaayo habraacyada dacwadaha madaniga ah iyo kuwa maamulka ah. Tani waxa ay keenaysaa in xeerkaani uu saameyn ku leeyahay casriyeynta habraacyadaas. Casriyeynta habraacyada madaniga ayaa waxa ay keenaysaa ka guurista qaar ka mid ah habraacyada uu jidaynaayo xeerkaan, tan xigtana ay tahay in dabaqaadooda ka dhigan tahay dhowris la'aanta habraacyadii hore uu xeerka habka madaniga ah jideeyay. Taasi macnaheeda waxaa waayay in casriyeyn kasto oo lagu sameeyo tilaab ka mid ah tilaabada dacwad qaadista madaniga ay furi doonto albaabka ku doodista bursanaashada tilaabtaan, taas oo leh saameyn qaanuuneed, maxaayeelay Bursanaanta tilaabada dacwad qaadista waxa ay ka mid tahay sababaha lagu duro xukunnada maxkamadaha ee uu jideynayo isla xeerkaan.¹⁰⁸ Durista xukunada maxkamadaha ayadoo la cuskanaayo bursanaashada casriyeynta habraacyada dacwad qaadista, Waxa ay Maxkamadda sare ku qasbi doonto qiimeynta doodaan.

¹⁰⁸ Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974 QOD: 246/3

Tusaale:

Aan ka soo qaadno in Maxkamadda Rafacaanku ay casriyeynaysay hannaanka dacwad dhegeysiga ayna soo kordhisay nidaam ogolaanaayo in dacwadaha madaniga ah lagu dhageysto hannaan fogaan-arag, ka dibna ay soo saartay xukun ayadoo raacday hannaankaan, dabadeedna dhinac ka mid ah dhinacyadi dacwada uu ku dooday bursanaashaha tilaabaha dacwad qaadista asiga oo cuskanaayo qod 246/3 XHMS, kuna doodaayo in fadhiga dacwad dhagaysiga ee uu Xeerka Habka Madaniga sheegayo, gaar`ahaan qod, 87,88, 89 ee xeerkaan uunan ahayn fadhi ku qabsoomay si fogaan arag ah, sidaas darteedna uu bursan yahay habraaca dacwad qaadista oo ay ka dhigantahay in aynan maxkamudu dhowrin habraacyada ku xusan qodobada sare. Marxaladaan oo kale, Maxkamadda sare waxaa hortaalo mushkilad qaanuuneed oo ka dhalatay Maxkamadda rafacaanka oo casriyeynaysay hannaanka dacwad dhegeysiga ayada oo aan wax ka beddal lagu samayn XHMS. Sida ay cadaynayaan qod. 111 iyo qod. 112 XHMS, Dhowris la`aanta habraacyada Xeerka Habka Madaniga ay leedahay sedax heer oo kala duwan:

- Heer ay Maxkamadda Sare u banaantahay in si iskeed ah ay ugu dhawaaqdo bursanaashada tilaabta.
- Heer Maxkamadda sare ay sugeyso dooda dhinacyada ee ku aadan bursanaashada tilaabta.
- Heer aynanba Maxkamadda u banaaneyn ku dhawaaqista bursanaashada, halagu doodo ama yaanan lagu doodin. Noocan sadaxaad ayaa aad uga badan labada nooc ee kale.

Maxkamadda Sare ee Dalka waxa ay ku qasbantahay qiimaynta heerka dhowris la`aanta habraacaan. Si kasta ha noqotee, casriyeynta habraacyada dacwad qaadista ee madaniga ah ayada oo aan la hormarrin xeerka habka madaniga ah, waxa ay furi kartaa dooda hor leh oo aanan hada jirin oo ka dhalanaayo gaabiska Xeerka Habka Madaniga.

4. Saameynta XHC ku leeyahay casriyeynta garsoorka.

Falanqeynta ku saabsan xeerkaan waxba kama duwano falanqeynti aan ku sameynay xeerka habka madaniga, maxaayeelay waxaa uu xeerkaani kala mid yahay Xeerka Habka Madaniga sadax arrimood:

1. Waxaa uu kala midyahay xadidida habraacyada dacwad qaadista. Sida uu xeerka habka maddaniga u xadiday habraacyada qaadista dacwadda madaniga ayuu xhc u xadidayaa habraacyada qaadista dacwadda ciqaabta ah.
2. Waxaa uu kala mid yahay in casriyeynta habraacyada qaadista dacwadda ciqaabta ah ay keeneyso ka guurista qaar ka mid ah habraacyada uu jideynaayo xeerkaan, taas oo dhalin karto ku doodista dhowris la'aanta tilaabada dacwad qaadista.
3. In ku doodista bursanaanta dacwad qaadista ay tahay mid ka mid ah sababaha lagu duro xukunnada ciqaabta ah si waafaqsan qod: 232 ee xeerkaan.
4. In aynan maxkamdu ku qasbnayn ku dhaqanka bursanaasha kasta oo ka dhalatay dhowris la'aan la xariirto habraacyada xeerkaani jidaynaayo.

Waxaa intaas dheer in xeerkaan lagu maamulaayo dacwad ciqaab ah oo la xariirto eedeysane, taas oo keeneyso ku qasbanaashada raacidda khiyaarka u danaynaayo eedaysanaha.

5. Saameynta Xeerka ku leeyahay casriyeynta garsoorka si guud.

Xariirka adag ee ka dhaxeeyo sharciga iyo garsoorka ayaa ah kuwo dib ugu laabanaayo xaalada garsoorka, sidaas darteed dib u dhaca xeerku waa caqabad ku hor-gudban garsoorka oo ka hortaagan in uu soo gudbiyo adeeg garsoor oo casri ah. Sida aan ku sharaxnay cutubka laad, sharcigu waa hagaha garsoorka, taas oo garsoorka u yeelayso madabka sharciga. Haddi sharciga garsoorka uu dabaqaayo uu yahay sharci casri ah, garsoorkuna waxa uu noqonayaa garsoor casri ah. Dhinaca kale, hadii sharciga uu garsoorku dabaqaayo yahay sharci aan casri ahayn ee dib-dhacsan, garsoorku asagana waxaa uu noqonoyaa garsoor dib-dhacsan oo aan soo

gudbin karrin adeeg casri ah. Hadii xeerka ciqaabta ee uu dabaqaayo garsoorku uunan xalin karrin danbiyada casriga ah, ma jirto sabab aan u filano garsoor xalin karo danbiyadaas. Hadii xeerarka hababka ee uu dabaqaayo garsoorku ayanan soo bandhigeen habab dacwad qaadis oo casri ah, ma jirto sabab aan u rajayno garsoor casri ah oo soo bandhigo adeeg casri ah.

Cutubka 5aad: casriyeynta sharciyada dalka.

Si loo hormariyo sharciyada dalka waxaa lagu qasbanyahay in wax ka beddal lagu sameeyo Sharciyada la soo saaray xiliyadii hore. Toosinta xeerarka dhowaan la soo saaray ayaa iyaduna qeyb ka ah casriyeynta. Sidaasi si la mid ah soo saarista sharciyada cusub ayaa iyaduna lagama maarmaan ah, halka samaynta guddi qaran oo u xilsaaran horumarrinta xeerarka ay noqon karto buunda lagu gaaro casriyeynta sharciyada dalka.

1. Wax ka beddalka xeerarki hore

Wax ka beddalka xeerarka waa-hore la soo saaray waa tilaabta 1aad oo qaadideedu ay qasabka tahay. Badanaa xeerarka soomaaliya oo dhaqan-galka ah waxaa la sameeyay xilli hore, habkii bulshadu u nooleedna wax badan ayaa iska beddeen, taas oo ka dhigan in xeerarka lagu dhaqmo ay yihiin kuwa gaboobay oo howl-gab ah. Tusaale, XCS waxaa la soo saaray 1962-dii. Gaboobida xeerkaan ayaa dhalisay in xeerkaan uu xambaarsanyahay fikiro qaanuuneed oo duugoobay. Xeerkaan looma diyaarrin in lagu maareeyo danbiyada casriga ee soo kordhay oo ah kuwa ka duwan danbiyadii jiray xiligii la soo saaraayay xeerkaan. Waxaa soo kordhay danbiya cusub oo aanan jirin xiligaas; waxaa wax iska bedelen habka danbi-gelista, Waxaana qiima dhacay qaar ka mid ah ciqaabaha uu jidaynaayo. Xeerarka ugu muhiimsan ee wax ka beddalkooda lagu qasbanyahay waxaa ka mid ah:

Xeerka Ciqaabta soomaaliya. N. 5 ee 16 December 1962

Xeerka Habka Ciqaabta Soomaaliya N. 1 1 June 1963

Xeerka Madaniga Soomaaliya N.37 ee 2 June 1973

Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974

Xeerka Qoyska N.23 ee 11 jennaayo 1974

Gabowga ku dhacay Xeerarka sare ku xusan ayaa ka dhigay kuwa ka danbeeyo waqtiga. Waxaa intaas dheer, xeerarkaan waa kuwa ugu muhiimsan ee garsoorku u baahanyahay, maxaayeelay dacwadaha ugu badan ee uu garsoorku ka garnaqo waa dacwado madani ah iyo kuwa ciqaab ah.¹⁰⁹ Wax ka beddalka sharciyada dhaqan-galka ah si ay u noqdaan kuwa la jaanqaadi karo casriga ayaa wadada u fali karo garsoor casri ah oo bixin karo adeega cadaaladeed ee casrigaan loo baahanyahay. Tusaale, wax-ka-bedelkaan waxaa uu horseedi karaa in maxkamaduhu awoodi karaan dhagaysiga dacwadaha si fogaan arag ah. Sidaas oo kale, wax-ka-bedelkaan waxaa uu suurta gelin karaa dib-u-nidaaminta cadaymaha madaniga iyo kuwa ciqaabta oo ay ka mid yihiin kuwa dhigitaalka ah, taas oo ka qeyb qaadan karto casriyeynta garsoorka, maxaayeelay adeegsiga cadaymaha casriga ah waa muuqaal ka mid ah muuqaalada casriyeynta garsoorka. Sidaasoo kale wax-ka-bedelka sharciyadaan waxa ay suurta-galin kartaa wax-ka-bedelka ciqaabha uu jideynaayo XCS, sida ciqaabaha ganaaxyada, taas oo qasnada Dawlada ku soo kordhin doonta dakhli islamarkaana xaqiijindoonta ujeeda jidaynta ciqaabta.

2. Toosinta xeerarka dhowaan la soo saaray.

Sharciyada la ansixiyay xilliyadii danbe waxa ay ka mid yihiin sharciyada u baahan wax ka beddalka balse waxaa muhiim ah wax ka beddalkooda xoogga lagu saaro toosinta xeerarkaan, maxaayeelay badanaa xeerarkaan waa ay ciladaysanyihiin farsamo ahaan iyo nuxur ahaan intaba. Xeerarkaan waxa ay ka ciladaysanyihiin dhanka farsamada qoraalka, taas oo adkaynayso fahanka qodobada xeerka. Tusaale,

¹⁰⁹ Buuga garsoorka sanadka 2023 boga 8-34

waa adagtahay in aad soo saartid nuxurka qodobka 3aad ee **sharciga ka hortaga lacag dhaqqidda iyo maalgelinta argagaxisada** oo u qoran sidaan:

“qodobka 3aad: Dembiyada maalgelinta argagixisnimo

- 1- Qof kasta iyo hannaan kasta, si toos ah ama si dadban, u bixiya ama u ururiya dhaqaale, ama isugu daya inuu sidaas sameeyo, iyada oo ujeedadu tahay in loo isticmaalo ama ogyahay in loo isticmaalayo guud ahaan ama qeyb ahaan ujeeddooyinka hoos ku xusan waxa uu galagaa dambi:
 - a. Si loogu fuliyo fal argagixiso; ama
 - b. Argagixiso; ama
 - c. Urur argagixiso.
 - d. Maalgelin safar dagaalyahan argagaxiso oo ajnebi ah
- 2- Dembiga ku xusan faqradda (1) waa lagalay:
 - a. Xataa haddii falka argagixiso aanu dhicin ama aan la isku dayin.
 - b. Xataa haddii dhaqaalaha aan loo isticmaalin in lagu galo ama la isku dayo fal argagixiso;
 - c. Iyada oo aan la eegayn dalka ama dhulka falka argagixiso loogu talo galay inuu ka dhaco.
- 3- Waxaa dembi ah:
 - a. In laga qeyb qaato iyada oo gacan siin ah dembi ku xusan faqradda (2);
 - b. In la abaabulo ama lagu hago cid kale inay galaan dembi ku xusan faqradda (2); ama
 - c. In si ku talagal ah loogu qaaraan darsado si ay u galaan dembiga ku xusan farqada (2) koox dad ah oo leh, ujeeddo guud marka qaaraankaas loo sameeyo si loo sii kordhiyo dembi ku xusan faqradda (2) ama qaaraanka la sameeyey iyada oo la og yahay in kooxdu ay gelayso dembi ku xusan farqada (2).

Qasadka iyo ogaalka looga baahan yahay si loo caddeeyo dembiga lacag dhaqqidda waxaa laga yaabaa in go'aan looga gaaro xaqiiqda duruufaha jira”.

Ciladaha farsamo-xuma ee ka dhex muuqda qodobka sare ku xusan waxaa ka mid ah.

- 1) Ujeedada qodobkaan ayaa ahayd cadaaynta danmbiyada maalgelinta argagixisnimo, sida ka muuqato cinwaankiisa, hayeeshee si toos uma sheegin Dembiyada maalgelinta argagixisnimo asiga oo raacaayo hannaanka tirinta. Waxaa uu isku dayay in uu raaco hannaanka qeexitaanka balse waa ku guul dareestay in uu sameeyo qeexitaan gaaban. Qeexitaanadu waa in ay noqdaan kuwa gaaban oo u samaysan hannaan gaar ah.
- 2) Qeexitaanka uu sameeyay qodobkaan waxaa ku jiro hadala badan oo aan soo kordhinayn wax macno ah oo waliba adkeeyay fahanka qodobka.
- 3) Waxaa uu sameeyay abla ablayn aan ku dhisnayn caqli. Tusaale, faqrada laad waxaa uu u qeybiyay afar qeybood, hayeeshee afarta qeybood waa isku mid, taas oo ka soo horjeedo hal-beegyada ablaablaynta.

3. Soo saarista xeerar cusub

Soo saarista sharciyada cusub waxa ay ka qeyb qaadanaysaa casriyeynta sharciyada dalka. Wax ka beddalka sharciyada hadda lagu dhaqmo kuma filno casriyeynta garsoorka, sidaas datreed waxaa loo baahanyahay soo saarista sharciya cusub oo lagu maaraynaayo arimaha casriga ah. Waxaa ka mid ah sharciyadaan:

- 1- Xeer nidaam garsoor. Xeerarka ay tahay in uu soo saaro baarlamaanka federaalka waxaa ugu horeeyo xeer nidaam garsoor oo ka duulaayo nidaamka federaalka oo dalku uu u guuray. Baahida soo saarista xeer-nidaam garsoor waa baahi ay keentay qaadashada nidaamka federaalka, maxaayeelay nidaamkaan waxaa uu dhiiri-gelinayaa jiritaanka maxkamada federaal iyo maxkamad Dawlad gobaleed, taas oo qasab ka dhigayso helida xeer kala saaro awoodaha labada heer maxkamadeed.

- 2- Xeerka dhijitaalaynta garsoorka. Maadaama dhijitaalaynta garsoorka ay ugu muhiimsan tahay casriyeynta, waa qasab helida xeer caawinaayo arrintaan, oo xalinaayo mushkiladaha ka dhalan karo.
- 3- Xeerka danbiyada internetka. Xeerkaan waxaa soo saartay badanaa Dawladaha caalamka, maxaayeelay xeerkaan waxaa uu xalinayaa danbiyada casriga kuwa ugu muhiimsan, sidaas darteed ayuu uga mid yahay sharciyada soo saaristoodu ay hor-tabinta leedahay.
- 4- Xeerka baraha bulshada. Barabulshada waa mushkilada ugu badan ee xiliyadii danba haysatay mujtamaca soomaaliyeed. Waxaa jiro mushkilado cusub oo uu soo kordhiyay. Sidaas darteed, waxaa habooneed in la soosaaro xeer lagu xalinaayo mushkiladahaas.

4. Samaynta guddi qaran oo u xilsaaran wax ka beddalka xeerarka.

Samaynta guddi qaran oo u xilsaaran wax ka beddalka xeerarka waxaa uu ka qeyb qaadan karaa casriyeynta sharciyada dalka. Gudigaan waxaa uu xal u noqon karaa caqabada ka dhalatay in hindisa sharciyeedyadu ay qoraan wasaaradaha, oo ah in aan sharciyada loo diyaarrin hab wanaagsan.

5. Muhiimada saamaynta togan ee casriyeynta sharciyada ku leedahay casriyeynta garsoorka.

Guud ahaan Casriyeynta sharciyada muhiim ayay u tahay helida garsoor casri ah.¹¹⁰ tayada garsoor kasta waxa ay ku xirantahay tayada sharciga uu dabaqaayo. Tani waxaa sababaayo xariirka xoogan ee ka dhexeeyo sharciga iyo garsoorka, Arrintaan uma baahno cadayn, maxaayeelay cutubkii laad waxaan ku soo faahfaahinay xariirka ka dhexeeyo sharciga iyo garsoorka. Caqliga ayaa sheegaayo in sharci casri ah uu dhalaayo adeeg garsoor oo casri ah, halka sharci aan casri ahayn uu dhalaayo

¹¹⁰ Akpuokwe, C. (2024). The impact of judicial reforms on legal systems: a review in african countries. *International Journal of Applied Research in Social Sciences*, 6(3), 198-211.
<https://doi.org/10.51594/ijarss.v6i3.850>

adeeg garsoor oo aan casri ahayn. Sida cadaalada sharciga ay uga horayso cadaalada garsoorka ayaa casriyeynta sharcigu uga horaysaa casriyeynta garsoorka.

Gabgabo

Cilmibaaristaan waxa lagu soo gebagebeeyay natiijooyinka iyo soo jeedinnada hoose:
natiijooyinka

- 1- In Xariirka adag oo ka dhaxeeyo sharciga iyo garsoorka oo taabanaayo dhinacyo kala duwan uu qasab ka dhigaayo in sharcigu noqdo curiyaha hal-beegyada casriyeynta garsoorka, arrintaas oo sharciga siinayso kaalin hogaamineed.
- 2- In ay jiraan caqabado taariikhi ah iyo kuwo taagan oo soo wajahay sharciga dalka ayna naafeeyeen wax-ku-oolnimadiisa, taas oo dhalisay in sharcigu gudan karrin kaalintiisi hogaamineed ee ku aadanayd casriyeynta garsoorka.

Soo jeedin.

1. in wax ka beddal u sahmin karo casriyeynta garsoorka lagu sameeyo sharciyada dalka gaar ahaan, xeerka ciqaabta soomaaliya, XHC soomaliya, Xeerka Madaniga Soomaaliya iyo XHM Soomaaliya si ay u noqdaan kuwa xalin karo mushkiladaha casriga ah.
2. in dib-u-eegis lagu sameeyo dhammaan sharciyada dhawaan la soo saaray, si loo hagaajiyo qaab qoraal kooda.
3. In la soo saaro sharciyada u adeegayo maxkamadaynta danabaysan (E-court) sida Xeerka saxiixa danabaysan (electronic signature).
4. In la soo saaro sharciga denbiyada internat-ka (cyber crimes).
5. In la soo saaro sharciyada nidaaminaayo ganacsiyada adeegyada kale ee casriga ah.
6. In la soo saaro xeernidaaminaayo adeegsiga baraha bulshada.

Ilaha cilmi barista

1. Dasuurka Jamhuuriyadda Soomaaliya 21 June 1960
2. Dasuurka KMG Soomaaliya 1 August 2012
3. Xeerka Nidaamka Garsoorka N.3 12 June 1962
4. Xeerka Nidaamka Garsoorka N. 34 22 September 1974
5. Xeerka Dhisidda Golaha Adeega Garsoorka N. 28 8 August 2014
6. Xeerka Madaniga Soomaaliya N.37 2 June 1973
7. Xeerka Ciqaabta soomaaliya .5 16 December 1962
8. Xeerka Habka Ciqaabta Soomaaliya N. 1 1 June 1963
9. Xeerka Habka Madaniga Soomaaliya N.19 ee 27 July 1974
10. Establishment of national security service N.14 15 Feb 1970
11. Establishment of national security court N. 3 of 10 January 1970,
12. Sospensione temporanea “Diritto Habeas Corps” N.12 3 March 1970
13. Abrogazione del Diritto Habeas Corps N.64 10 October 1970
14. Xeerka Habka Madaniga Soomaaliya N.19 27 July 1974
15. Buuga garsoorka sanadka 2023
16. Sharciga ka-hortagga lacag-dhaqidda iyo maal-galinta argagaxisada.
17. Stremlau, N. (2012). Somalia: media law in the absence of a state.
International Journal of Media & Cultural Politics, 8(2), 159-174.
https://doi.org/10.1386/macp.8.2-3.159_1
18. Rauf, A. (2021). The application of the principle of openness in realizing good governance. Jurnal Hukum Volkgeist, 6(1), 46-50.
<https://doi.org/10.35326/volkgeist.v6i1.1586>
19. (1899). Medical legislation in illinois.. JAMA: The Journal of the American Medical Association, XXXII(16), 889.
<https://doi.org/10.1001/jama.1899.02450430043019>
20. Fernando, A. and Susilowati, T. (2023). Legislative functions of the house of representatives in the perspective of the 1945 constitution of the republic of

- indonesia. Jurnal Indonesia Sosial Sains, 4(06), 523-530.
<https://doi.org/10.59141/jiss.v4i06.828>,
21. Bonfim, R. W. L., Luz, J., & Vasquez, V. L. (2023). Mandatory individual amendments: a change in the pattern of executive dominance in the brazilian budgetary and financial cycle. Brazilian Political Science Review, 17(2). <https://doi.org/10.1590/1981-3821202300020001>
 22. UK sanctions regime. (2024, Sep 19). Retrieved from The Law Society: <https://www.lawsociety.org.uk/topics/anti-money-laundering/sanctions-guide>
 23. Mak, E. (2015). Watch out for the under toad: role and method of interdisciplinary contextualisation in comparative legal research. Erasmus Law Review. <https://doi.org/10.5553/elr.000041>.
 24. Biyo, M. (2023). Development of the democratic system in somalia since the carts reconciliation 2000. International Journal of Education Humanities and Social Science, 06(04), 260-275.
 25. 16. محمد حسن ثاني، 'حكم القانون في الصومال قبل السقوط والانهيـار' دار الزيلع للطباعة والنشر، ص. 16
 26. Solomon, P. (2007). Courts and judges in authoritarian regimes. World Politics, 60(1), 122-145. <https://doi.org/10.1353/wp.0.0004>.
 27. Nuur, Q. Z. (n.d.). *Aragtiga sharci ee hindise-sharciyeedka dembiyada Galmada (Jinsiga) la xiriira*. Retrieved Aug. 14, 2020, from Caasimada: <https://www.caasimada.net/aragtiga-sharci-ee-hindise-sharciyeedka-dembiyada-galmada-jinsiga-la-xiriira/>
 28. Khan, M. S. and Bhatti, S. H. (2023). Digital evidence and pakistani criminal justice system: a review article. Journal of Social Sciences Review, 3(1), 489-498. <https://doi.org/10.54183/jssr.v3i1.198>
 29. Chow, K., Law, F. Y. W., & H., Y. (2014). Understanding computer forensics requirements in china via the “panda burning incense” virus case. Journal of Digital Forensics, Security and Law. <https://doi.org/10.15394/jdfsl.2014.1170>,
 30. Ismail, W. A. F. W., Baharuddin, A. S., Mutalib, L. A., & Alias, M. A. A. (2021). A systematic analysis on the admissibility of digital documents as

- evidence in malaysian syariah courts. *Pertanika Journal of Social Sciences and Humanities*, 29(3). <https://doi.org/10.47836/pjssh.29.3.26>,
31. Khidzir, N. Z. and Ahmed, S. A. (2019). Towards fact-based digital forensic evidence collection methodology. *International Journal for Information Security Research*, 9(1), 848-853. <https://doi.org/10.20533/ijisr.2042.4639.2019.0097>
 32. Pangan, M. J. M. and Dausan, A. F. (2024). Evaluation of the use of court video conference hearrings in angeles city, philippines. *International Journal of Multidisciplinary: Applied Business and Education Research*, 5(5), 1758-1775. <https://doi.org/10.11594/ijmaber.05.05.23>,
 33. Foussard, C., Vigil, A., & Pérez Cruz, M. (2023). Impact on child justice in a world of digital courts: perspectives from the bench. *Intersections*, 9(2), 29-53. <https://doi.org/10.17356/ieejsp.v9i2.1143>
 34. Paudel, K. (2020). Knowledge management practices in nepalese judiciary: a case of supreme court of nepal. *International Journal of Law and Management*, 62(5), 495-505. <https://doi.org/10.1108/ijlma-01-2020-0016>,
 35. Mosweu, T. (2021). Access to electronic court records in botswana. *ESARBICA Journal: Journal of the Eastern and Southern Africa Regional Branch of the International Council on Archives*, 40, 87-99. <https://doi.org/10.4314/esarjo.v40i.7>,
 36. Wati, H., Kamello, T., & Sastro, M. (2023). The development of procedural law through the e-court system after pandemic in indonesia. *Veteran Law Review*, 6(SpecialIssues), 15-27. <https://doi.org/10.35586/velrev.v6ispecialissues.4957>
 37. Akpuokwe, C. (2024). The impact of judicial reforms on legal systems: a review in african countries. *International Journal of Applied Research in Social Sciences*, 6(3), 198-211. <https://doi.org/10.51594/ijarss.v6i3.850>

Zakarie Ali Mohamed

Zakarie is a seasoned technology professional with over 15 years of experience in ICT and digital transformation. Currently serving as the Director of ICT and Cybersecurity at Villa Somalia, Office of the President of Somalia. As a former ICT Specialist at UNODC,

Zakarie contributed to international development through innovative IT solutions. He holds a master's degree in Technology and Public Policy from the University of Turin, underscoring his expertise in integrating technology with governance.



© Waxaa Diyaariyay:
Zakarie Ali Mohamed
Said Ali Mohamed

KAALINTA TEKNOOLOJIYADDA EE CASRIYEYNTA GARSOORKA

HORUDHAC

Teknoolojiyadda casriga ah ayaa si weyn u beddeshay habka ay u shaqeeyaan hay'adaha kala duwan ee Dawladda iyo adeegyada bulshada. Garsoorka, oo ah tiirka caddaaladda iyo cadaalad-dhiska bulshada, waxa uu ka mid yahay meelaha ugu muhiimsan ee tiknoolojiyadda lagu dabakhi karo si loo gaaro hufnaan, daahfurnaan, iyo helitaan caddaaladeed oo dhameystiran. Soomaaliya, oo waajahaysa caqabado amni-darro, dhaqaale, musuqmaasuq iyo hannaanka duugoobay ee qaadista kiisaska ayaa si gaar ah ugu baahan in la adeegsado tiknoolojiyad; si loo horumariyo nidaamka garsoorka loona xaqiijiyo helitaanka adeegyo cadaaladeed oo la gaari karo, loo siman yahay misna degdeg ah.

Qoraalkan, waxaan ku faahfaahin doonnaa kaalinta tiknoolojiyadda ee casriyeynta garsoorka Soomaaliya iyada oo xoogga la saarayo qodobadan:

1. La jaanqaadidda isbeddalka dijitaalka ah iyo adeegsiga tiknoolojiyadda.
2. Kor u qaadidda aqoonta iyo kartida howlwadeennada garsoorka.
3. Tijaabooyinka gudaha iyo kuwa caalamiga ah ee guulaystay kuna aaddan adeegsiga tiknoolojiyadda.
4. Dejinta sharciyo dhiirrigelinaya adeegsiga tiknoolojiyadda.
5. Caqabadaha iyo fursadaha ka jira adeegsiga tiknoolojiyadda.
6. Maxkamadaha ku shaqeeya tiknoolojiyadda.
7. Ilaalinta xogta garsoorka iyo adeegsiga tiknoolojiyadda.
8. Kobcinta waxtarka shaqo gudashada iyo hufnaanta.

ADEEGSIGA TEKNOOLOJIYADDA EE CASRIYEYNTA GARSOORKA

La kala tag ordsaa maaha! Dalalku waxa ay ku kala tagayaan oo ku kala horumarayaan hadba sida ay ula jaanqaadaan Isbeddellada dijitaalka ah ee xawaaraha ku socda. Isbeddelkan waxa uu maanta si weyn u saameynayaa hababka ay u shaqeeyaan hay'adaha dawladda iyo kuwa gaarka loo leeyahay. Tiknoolojiyadda casriga ah waxa ay noqotay aalad aan laga maarmin oo loo adeegsanayo hagaajinta, hufnaanta, iyo daahfurnaanta nidaamyada adeegyada bulshada, gaar ahaan nidaamka garsoorka. Waxaa se haraya qolodii awoodi weysa in ay la timaado isbeddel ay kula jaanqaaddo teknoolojiyadda casriga ah ee carro-edeg.

Soomaaliya oo ah dal soo kabanay oo ay heystaan caqabado tiro-beel ah oo dib u dhigaya; waa in ay la timaado hannaan iyo habab qorsheysan ay ugu faa'iideysan

karto nidaamka teknoolajiyadda ee aan cidna u joojineyn, taasina waa waddada kaliya ee degdegga aan iskugu dhararrin karno asaaggeen. Waayo isticmaalka teknoolajiyadda lama kala xiggo oo waa nin waliba iyo itaalkiisiyo meel ay tabari dhigto.

Haddaba, ayadoo taas laga duulayo waxaan qodobkan diiradda ku saaraynaa muhiimadda la jaanqaadidda isbeddellada dijitaalka ah, faa'iidooyinka laga heli karo, iyo hababka ay Soomaaliya uga faa'iideysan karto tiknoolojiyadda si ay u horumariso karaankeeda shaqo ee nidaamka garsoorka dalka.

Muhiimadda Adeegsiga Teknoolajiyadda ee Garsoorka

Muhiimadda adeegsiga teknoolajiyadda ee casriyeynta Garsoorka waa mid si weyn u sii kordhaysa marba marka ka sii dambeysa, waxaan

1. Nidaamyada dhijitaalka ah waxa ay si toos ah u maamuli karaan hawlaha maxkamadda sida diiwaangelinta kiisaska, jadowalka maxkamadaha, iyo xog ururinta. Tani waxa ay yareyneysaa waqtiga lagu lumiyo hababka gacanmaalka ah (Manual) iyo khaladaadka bini'aadannimo.
2. Dacwadaha iyo dukumiintiyada sharci ee lagu diiwaangeliyaa nidaamyada dhijitaalka ah waxa ay meesha ka saaraan dib-u-dhacyada, iyada oo kiis walba si sahlan loo raadraaci karo.
3. Teknoolojiyada dhijitaalka ah waxa ay u oggolaaneysaa dadweynaha inay si sahlan ula socdaan kiisaska misn ay durba helaan go'aannada maxkamadda, taasoo meesha ka saaraysa shaki iyo musuq ku saabsan hannaanka garsoorka.
4. Isbeddellada lagu sameeyo xogaha oo la xajiyo misna si joogta ah loola socon karo ayaa xaqiijinaysa in kiisaska iyo caddeymaha loo keydiyo qaab daahfuran oo meesha ka saareysa wax is-daba marrin misna sare u qaadeysa kalsoonida nidaamka lagu qabo.
5. Dhageysiga dacwadaha ee foggaan-aragga ahi waxa ay sahleysaa in dadka ku nool meelaha fog-fog ay dacwaddooda maxkamadda ka so qeyb-galaan iyagoo aan safar dheer gelin.
6. Adeegsiga falanqeynta xoggaha garaadka leh (Data Analytics with AI) waxa ay ka caawisaa garsoorayaasha inay falanqeeyaan kiisaska hore iyo sharciyada la xiriira, si loo gaaro go'aanno caddaalad ku saleysan oo sax ah.
7. Dukumiintiyada maxkamadda oo lagu maareeyo nidaamyada dhijitaalka ah waxa ay meesha ka saartaa baahida dukumiintiyo daabacan oo badan, taas oo yareynaysa kharashaadka maamulka iyo kana qeyb noqotaa ilaalinta deegaanka.

8. Tiknoolojiyada waxa ay yareyneysaa baahida shaqaale badan oo ku howlan hawlo caadi ah, iyada oo diiradda la saarayo horumarrinta nidaamka.
9. Nidaamyada dhijitaalka ah waxa ay diiwaan geliyaan tallaabo kasta oo la qaado, taas oo adag in lagu xadgudbo nidaamka.
10. Nidaamyada casriga ah waxa ay dedejiyaan jadwalinta kiisaska iyo hawlaha maxkamadda. Waxaana Warbixinada ku saabsan horumarka kiisaska iyo waxqabadka maxkamadaha si sahlan looga heli karaa nidaamyada dhijitaalka ah.

Talooyin Lagu Hirgelin Karo Isbeddellada Dijitaalka ah

Waxaa muhiim ah in la qaaddo tallaabooyinkaan waaweyn si ay ula jaanqaadno isbeddellada dijitaalka ah ee garsoorka:

1. **Dhisidda Kaabayaasha:** Waxaa muhiim ah in la horumariyo kaabayaasha muhiimka ah sida internet-ka, isku xirka xarumaha garsoorka (Network) iyo helidda nidaam koronto oo la isku halleyn karo.
2. **Tababarka Shaqaalaha:** Garsoorayaasha iyo shaqaalaha kale ee maxkamadaha waa in lagu tababaro isticmaalka nidaamyada cusub ee teknoolajiyadeed.
3. **Sharciyeyn Lagu Taageerayo Tiknoolojiyadda:** Waa in la dejiyo sharciyo ogolaanaya isticmaalka nidaamyada dijitaalka ah iyo caddeymaha elektarooniga ah.
4. **Iskaashi Caalami ah:** Waxaa muhiim ah in lala shaqeeyo hay'adaha caalamiga ah iyo Dawladdo kale si looga faa'iideysto waayo-aragnimadooda iyo taageeradooda farsamo.

Ka Faa'iideysiga Teknoolajiyadda ee Casriyeynta Garsoorka

Si loo xaqiijiyo horumarrinta garsoorka Soomaaliya, waxaa muhiim ah in la hirgeliyo habab tiknoolajiyadeed oo waaqic ah kuwaas oo la jaanqaadi kara xaaladda dhaqaale, bulsho, iyo siyaasadeed ee dalka. Teknoolajiyadda hadda laga faa'iideysan karo si loo casriyeeyo Garsoorka dalka waxaa ugu muhiimsan:

1. Dijitaleynta Diiwaannada Garsoorka

- **Adeegsiga Nidaamyada Maareynta Kiisaska (IECMS):** IECMS (Nidaamka Isku-xiran ee Dijitaalka Ah Ee Maaraynta Kiisaska) waa hab casri ah oo lagu maareeyo kiisaska sharciyeed iyada oo la adeegsanayo tiknoolojiyad elektaroonik ah oo isku xiran. Waa nidaam ay maxkamadaha iyo hay'adaha

kale ee garsoorku u adeegsadaan maareynta dacwadaha, xogta sharciyeed, iyo habka go'aannada loo gaaro. Waxa uu si weyn u dhimayaa dib-u-dhacyada kiisaska iyada oo la dedejinayo hababka maareynta dacwadaha. Waxa uuna hubinayaa in dhammaan kiisaska loo maareeyo si caddaalad ah iyo in qof walba uu la socon karo halka dacwadiisa marayso.

- **Hirgelinta Keyd Xogeed Dijital ah:** Sameynta nidaamyo xog kaydinta elektaroonik ah oo la isku halleyn karo, si looga fogaado lumista ama musuqmaasuqa diiwaannada kiisaska sharciyeed.

2. Horumarrinta Maxkamadaha Elektaroonigga ah (e-Courts)

- **Adeegsiga Habka foggaan is aragga Ah:** Hirgelinta maxkamado elektaroonik ah oo adeegsanaya video conferencing, gaar ahaan meelaha fogfog ee maxkamaduhu ku yaryihiin.
- **Xawaareynta Jadwalka Dacwadaha:** Dejinta nidaamyo dijital ah oo lagu maaraynayo jadwaleynta iyo la socodka kiisaska maxkamadaha si loo yareeyo dib u dhaca.

3. Hufnaan iyo Isla-Xisaabtan

- **Nidaamyada Blockchain:** Adeegsiga tiknoolojiyadda blockchain si loo hubiyo hufnaanta iyo daahfurnaanta go'aannada maxkamadaha iyo diiwaannada dacwadaha.
- **Raad-raac Dijital ah:** Nidaamyo elektaroonik ah oo lagu la socdo kiisaska iyo marxalad kasta oo ay maraan.
- **Korjoogteynta Dhaqaalaha Garsoorka:** Hirgelinta nidaamyo lagula socdo dhaqaalaha iyo kharashyada maxkamadaha, si looga hortago musuqmaasuqa dhaqaale.

4. Tababarka Shaqaalaha Garsoorka

- **Madallo Tababar Elektaroonik ah:** Abuurista madallo online ah oo lagu bixiyo tababar joogto ah oo ku saabsan tiknoolojiyada iyo nidaamka garsoorka casriga ah.
- **Kordhinta Aqoonta Tiknoolojiyadda:** Shaqaalaha garsoorka oo loo diyaariyo isticmaalka teknoolajiyadda casriga ah si loo wanaajiyo waxtarkooda.

5. Adeegsiga Nidaamka Falanqaynta Xogta (Data Analytics)

- **Falanqaynta Go'aannada Sharciyeed:** Adeegsiga AI iyo xog-falanqeyn si loo qiimeeyo kiisaska horey u dhacay, loona hubiyo go'aanno cadaalad ah oo ku saleysan xog dhab ah.
- **Saadaasha Dacwadaha:** Isticmaalka xogta si loo saadaaliyo muddada ay qaadan karaan kiisaska iyo heerka guusha ee kiisaska sharciyeed.

6. Kordhinta Wacyiga Bulshada

- **Barnaamijyo Wacyigelin ah:** Adeegsiga warbaahinta bulshada iyo madalyo kale oo tiknoolajiyadeed si bulshada loogu wacyigeliyo xuquuqahooda sharciga ah iyo nidaamyada caddaaladda.
- **Barnaamijyo Waxbarasho:** Hirgelinta barnaamijyo bulshada ka caawiya inay fahmaan shuruucda dalka, adeegyada garsoorka iyo nidaamyada loo maro.

XIRFAD-KORDHINTA SHAQAALAHA GARSOORKA (UPSKILLING)

Si teknoolajiyaddu qeyb ugu noqota casriyeynta Garsoorka, waa lagama maarmaan in shaqaalaha garsoorka ay yeeshaan xirfado teknoolajiyadeed oo waafaqsan isbeddelada casriga ah. Kordhinta xirfadaha shaqaalaha garsoorka (Upskilling) waa hab lagu diyaarinayo shaqaalaha inay si wax-ku-ool ah ula qabsadaan aaladaha casriga ah ee teknoolajiyadda, si ay u hormariyaan adeegyada ay bixiyaan si la horumariyo hufnaanta, tayada, iyo isla xisaabtanka adeegyada garsoorka.

Qiimeynta Heerka Xirfadda Shaqaalaha

Waxaa loo baahan yahay qorshe wax-ku-ool ah si loo sameeyo tababaro teknoolajiyadeed oo ku jaan go'an baahiyaha jira iyo in la sameeyo qiimeyn dhameystiran oo lagu oggaanayo heerka xirfadda ee shaqaalaha. Si haddaba loo qiimeyo heerka xirfadda shaqaalaha waxaa muhiim ah:

1. In la diyaariyo su'aalo xog-aruurin si loo qiimeeyo heerka iyo fahamka shaqaalaha ee aqoonta teknoolajiyadda.
2. In maamulka qeybaha kala duwan ee garsoorka soo gudbiyaan baahiyaha gaarka ee la xariira tababarka.
3. In la kala saaro shaqaalaha iyada oo loo eegayo heerarka xirfadahooda (bilow, dhexe, iyo horumarsan) si tababarada loogu habeeyo baahiyaha gaarka ah ee heer kasta.

Soo Jeedinta Tababarrada Guud Ee La Xiriira Adeegsiga Teknoolajiyadda

Inkastoo hey'adaha garsoorka ay ku kala duwan yihiin tababarka la siinayo, haddana si guud waxaa shaqaalaha garsoorka la siin karaa tababarro guud oo la jaanqaadaya heerka teknooljiyadda casriga, waxaa tababarradaas ka mid ah:

1. **Fahamka Artificial Intelligence (AI):** Waxaa loo horumarrin karaa fahamka iyo oggoolka shaqaalaha ee ku saabsan sida loo adeegsado **Generative AI** si ay uga caawiso hawlaha sharci ee maalinlaha ah. Teknoolajiyaddan waxaa loo isticmaali karaa in lagu soo saaro dukumiintiyada sharci, lagu falanqeeyo xogta kiisaska, ama ay ka caawiso soo koobidda iyo turjumidda qoraallada.
2. **Adeegsiga Xirfadeysan Ee Microsoft 365:** Tababarkaan Shaqaalaha waxa ay ku baran karaan adeegsiga xirfadeysan ee barnaamijyada kala duwan ee Microsoft 365 si ay ugu fududaato qorista dukumiintiyada sharciga ah, maaraynta xogta, iyo ka wada-shaqeynta maareynta dacwadaha. Tani waxa ay sare u qaadi kartaa hufnaanta iyo isku-xirnaanta shaqada garsoorka.
3. **Case Management System:** Maadaama maxkamadda sare iyo kuwa gobolka banaadir ay adeegsadaan CMS waa muhiim in shaqaalaha lagi tababaro si joogto ah gaar ahaan sida loo diiwaan geliyo kiisaska, loo raadraaco horumarkooda, loona soo saaro warbixinno kiisaska maxkamadaha.
4. **Qataraha Amni ee Dijitaalka Ah (Cybersecurity):** Tababarkan waxa uu muhiim u yahay ilaalinta xogta garsoorka. Waxa ayna shaqaalaha ku baranayaan sidii ay uga hortagi lahaayeen qataraha amni ee ku gadaaman adeegsiga teknoolajiyadda iyo sida loo isticmaalo sirta xogta si loo ilaaliyo xogaha xasaasiga ah.
5. **Data Analytics:** Tababarkaan ku saabsan xog-falanqaynta waxa uu awood u siin karaa shaqaalaha in ay sameeyaan falanqeynta xogaha si qotodheer oo ku saabsan kiisaska, taasoo fududeyneysa in go'aanno hufan loo gaaro iyo in lagu hagaajiyo adeegyada garsoorka dalka.

Xoojinta xirfadaha teknoolajiyadeed ee shaqaalaha garsoorka waxa ay tahay mid lama huraan ah si loo gaaro nidaam cadaaladeed oo casri ah, hufan, oo waxtar leh. Tababarada diiradda saaraya Generative AI, Microsoft 365, CMS, amniga dijitala, iyo Data Analytics waxa ay gacan ka geysan karaan horumarrinta awoodda shaqaalaha iyo tayada adeegyada la bixiyo.

TIJAABOORYINKA GUULAYSTAY Ee TEKNOOLAJIYADDA IYO GARSOORKA

Teknoolajiyadda casriga ah ayaa beddeshay habka ay bulshooyinka adduunku u maareeyaan arrimahooda, gaar ahaan dhinacyada garsoorka iyo sharciga, waxaan jira tijaabooyin guuleystay oo arrinkaas la xariira. Qeybtan waxaan diiradda saari doonaa tijaabooyin guuleystay oo gudaha iyo caalamka ah, oo ku saabsan sida tiknoolajiyadda loogu dabaqay nidaamyada garsoorka.

Nidaamka Elektarooniga Ah Ee Maareynta Dacwadaha Ee Maxkamadaha Soomaaliya

Maxkamadaha Soomaaliya, gaar ahaan Maxkamadda Sare iyo kuwa ku yaalla Gobolka Banaadir, waxa ay ku tallaabsadeen dadaallo muhiim ah oo lagu hagaajinayo hannaanka maareynta dacwadaha, iyada oo la adeegsanayo Nidaamka Elektarooniga ah ee Maareynta Dacwadaha (Electronic Case Management System, ECMS). Nidaamkan ayaa wax weyn ka beddelay habka shaqo ee maxkamadaha, isagoo soo kordhiyay waxtar, hufnaan, iyo isla xisaabtan.

Daraasad in muddo ah soo socotay ka dib, sanadkii 2019 ayuu nidaamkan adeegsigisa si rasmi ah uga billowday Maxkamadda sare, maxkamadda Rafcaanka Gobolka Banaadir iyo maxkamadda Gobolka Banadir. Ka hor intaan nidaamkan la hirgelin, habka shaqo ee maxkamadaha waxa uu ku tiirsanaa diiwaanno iyo warqado gacanta lagu maareeyo, taasoo horseedday dib u dhac ku yimaadda adeegga iyo maareynta xogta. Dadaalka lagu billaabay nidaamka elektarooniga waxa uu ahaa mid hordhac ah oo ah oo ku dhisnaa si offline ah, halkaas oo xogta lagu kaydintiray database yaallay xarunta Maxkamadda Sare ee dalka, halkaas oo fiilooyin network laga soo jiiday si loo gaarsiiyo dhammaan xafiisyada maxkamadahaasi. Adeegyada uu qabtay nidaamkan waxaa ka mid ahaa diiwaangelinta dacwadaha madaniga, ciqaabta, maamulka, shaqada, fulinta, iyo kaydinta dhammaan xogta la xiriirta dacwadahaasi.

Si kastaba ha ahaatee, nidaamka 2019-ka ma uusan hirgelin sidii loo rabay, taasoo keentay in la billaabo dadaal cusub. Nidaamkan cusub ayaa ahaa mid online ah oo lagu dhisay cashiradii laga bartay nidaamkii hore, waxaana la hirgaliyay ka dib tababarro la siiyay dhammaan hawladeenada maxkamadaha. Nidaamka waxa uu soo kordhiyay waxtar weyn sida diiwaangelinta dacwadaha kala duwan, kaydinta xogta taala xasuus-dhawrka, nidaaminta muddeynta dacwadaha, la socoshada heerarka dacwaddu marayso, tallaabooyinka kaaliyaha iyo garsooraha, iyo kaydinta

dhammaan xogta dacwadaha. Nidaamkan cusub waxa uu sidaas oo kale la jaanqaaday diiwaannada yaalla maxkamadaha.

Sanadkii 2023, nidaamka elektarooniga ah waxaa si ballaaran loogu fidiyay maxkamadaha degmooyinka Gobolka Banaadir. Sidaas oo kale, guddi ka kooban garsooreyaal ka hawlgala maxkamadaha rafcaanka iyo degmooyinka oo la magacaabay sanadkii 2022 ayaa daraasad ku sameeyay dhammaan warqadaha ka soo baxa maxkamadaha degmooyinka Gobolka Banaadir. Guddigaas waxa uu talo soo jeediyay in 14 nooc oo warqado mucaamalaad ah loo beddelo qaab elektaroonik ah.

Bishii Agoosto 2024, nidaamka elektarooniga ee mucaamalaadka ayaa si rasmi ah loo hirgeliyay, iyada oo lagu diiwaangeliyay 7,335 mucaamalad. Guud ahaan, nidaamka ECMS ayaa ilaa iyo hadda lagu maareeyay dacwado gaaraya 12,345 kiis.

Saamaynta ECMS ee Maxkamadaha

1. **Hagaajinta Hufnaanta Shaqo:** Nidaamka ECMS waxa uu si weyn u kordhiyey hufnaanta iyo shaqada Maxkamadaha. Dacwadaha ayaa si dhakhso leh loo diiwaan geliyaa, heerarka dacwadahana si sax ah ayaa loo raacaa. Waxa uu meesha ka saarayey qaladaadka ka yimaada hababka gacanta lagu maamulo.
2. **Kaydinta Xogta:** Nidaamka ECMS waxa uu xaqiijiyey in xogta dacwadaha si ammaan ah loo kaydiyo. Nidaamka xog kaydinta ee casriga ah ayaa yareeyey waqtiga helidda dukumiintiyada.
3. **Fududeynta Helitaanka Xogta:** Maxkamadaha ayaa si fudud u heli kara xogta dacwadaha hore iyo kuwa socda. Tani waxa ay suuragelisay in la go'aamiyo dacwadaha iyada oo lagu saleynayo xog sax ah.
4. **Tababarka Shaqaalaha:** Tababarada la siiyey shaqaalaha garsoorka waxa ay xoojiyeen awoodooda farsamo iyo fahamkooda ku saabsan sida loo isticmaalo nidaamka ECMS.

Nidaamka Elektarooniga ee Maareynta Dacwadaha (ECMS) waxa uu noqday tiir muhiim ah oo lagu hagaajiyo nidaamka garsoorka ee Soomaaliya. Waxa uu yareeyey caqabadihii hore, isagoo kor u qaaday hufnaanta, kalsoonida, iyo shaqada Maxkamadaha. Si kastaba ha ahaatee, waxaa muhiim ah in la sii wado horumarrinta nidaamka oo lagu ballaariyo dhammaan maxkamadaha dalka, lana kordhiyo adeegsigiisa, si loo gaaro garsoor caddaalad ah oo casri ah.

Mizan 2: Nidaamka Elektarooniga Ee Garsoorka Falastiin

Teknoolajiyaddu waxa ay qeyb muhiim ah ka noqotay nidaamyada garsoorka casriga ah ee dunida maanta. Dalal badan ayaa teknoolajiyadda u adeegsanaya sidii loo hagaajin lahaa hufnaanta nidaamka garsoorka, loo yareyn lahaa musuqmaasuqa, iyo sidii loo hubin lahaa in sharcigu si siman u gaaro qof kasta. Falastiin ayaa tusaale fiican u ah sida teknoolajiyadda loogu isticmaali karo hagaajinta nidaamka garsoorka iyada oo la tacaalaysa caqabado adag.

Falastiin ayaa ku guuleysatay inay si hal-abuur leh uga faa'iideysato teknoolajiyadda iyada oo ay jiraan caqabado waaweyn oo siyaasadeed iyo dhaqaale. Waxaa tusaale u soo qaadan karnaa Barnaamijka **Mizan 2**.

Mizan 2 (ميزان) waa nidaam elektaroonig ah oo isku-xiran kaas oo fududeeya maaraynta kiisaska, diiwaan gelinta dacwadaha, kaydinta cadeymaha, isku xirka hey'adaha garsoorka sida maxkamadaha, xeer-ilaalinta, booliiska, xabsiyada, iyo hay'adaha maaliyadeed, iyada oo sidaas oo kale qareennada iyo dadweynaha ay si toos ah u heli karaan nidaamkan.

Horumarrinta nidaamkan waxaa hormuud u ahaa Golaha Garsoorka Sare ee Falastiin (High Judicial Council) iyada oo kaashanaya Barnaamijka Horumarrinta ee Qaramada Midoobay (UNDP). Nidaamkan waxa uu qeyb ka yahay dadaallada lagu horumarrinayo adeegyada garsoorka ee Falastiin iyada oo la adeegsanayo teknoolojiyadda casriga ah.

Ujeeddooyinka Mizan 2:

Si guud nidaamka Mizan 2 waxaa lagu dhisay:

- **Hagaajinta Helitaanka Cadaaladda:** Nidaamku waxa uu fududeeyaa in muwaadiniintu si sahlan u helaan adeegyada maxkamadaha, iyaga oo awood u leh inay si elektaroonig ah u eegaan xaaladda kiisaskooda.
- **Kordhinta Hufnaanta iyo Daah-furnaanta:** Mizan II waxa uu yareeyaa suurtagalnimada musuqmaasuqa iyo khaladaadka, maadaama dhammaan xogaha kiisaska lagu kaydiyo nidaamka dijitaalka ah.
- **Dardargelinta Habraacyada Maxkamadaha:** Nidaamku waxa uu yareeyaa wakhtiga lagu qaato habraacyada maxkamadaha, taas oo horseedayda in kiisaska si dhakhso leh loo xalliyo.

Guulaha Laga Gaaray:

Inta uu shaqeynaayay nidaamkan waxa gaaray guulo la taaban karo, waxaana tusaale uso qaadan karnaa:

- **Isticmaalka Qareennada:** Sannadkii 2021, sahan la sameeyay ayaa muujiyay in 83% qareennada la waraystay ay si joogto ah u isticmaalaan Mizan II si ay u maareeyaan kiisaskooda.
- **Raallinimada Isticmaalayaasha:** Sahan kale oo la sameeyay 2018-kii ayaa muujiyay in 87% isticmaalayaasha Mizan II ay ku qanacsan yihiin barnaamijka, halka 91% garsoorayaasha la waraystay ay sheegeen in nidaamku dedejiyay habka dacwad qaadista.
- **Isticmaalka Dadweynaha:** In ka badan 142,722 qof oo ka tirsan bulshada, oo ay ku jiraan 13,171 haween ah iyo 129,551 rag ah, ayaa leh akoonno firfircoon oo ay ku adeegsanayaan adeegyada elektaroonigga ah ee nidaamka.

Saameynta Mizan 2:

Nidaamkan waxa uu yeeshay saameyn waxtar leh sida:

- **Kobcinta Cadaaladda:** Nidaamku waxa uu gacan ka geystay in la yareeyo kharashaadka la xiriira dacwadaha iyo in la dhimay musuqmaasuqa, taas oo sare u qaadday helitaanka cadaaladda ee muwaadiniinta.
- **Kordhinta Awoodda Garsoorka:** Mizan II waxa uu suurto galiyay in la kordhiyo awoodda nidaamka garsoorka ee Falastiin, iyada oo la adeegsanayo teknoolojiyadda si loo horumariyo adeegyada la siiyo bulshada.

Mizan II waxa uu tusaale u yahay sida teknoolojiyadda loogu adeegsan karo horumarrinta nidaamka garsoorka, iyada oo la kordhinayo hufnaanta, daahfurnaanta, iyo helitaanka cadaaladda ee bulshada.

Casharrada Laga Baran Karo

1. **Horumarka Waxa Uu Ku Xiran Yahay Hal-abuurka:** Xaalad kasta oo adag, hal-abuurka iyo dedaalka bulshada ayaa horseeda horumar. Falastiin waxa ay muujisay in xitaa caqabadaha adag lagu guuleysan karo haddii la helo aragti fog iyo go'aan adag.
2. **Adeegsiga Teknoolajiyadda ee Cadaaladda:** Teknoolajiyaddu waxa ay muhiim u tahay hagaajinta nidaamka garsoorka. Soomaaliya, waxa ay ka

baran kartaa Falastiin sida loo adeegsan karo teknoolajiyadda si loo gaaro hufnaan iyo daah-furnaan.

3. **Iskaashiga Bulshada iyo Dawladda:** Horumar kasta oo la gaarayo waxaa fure u ah iskaashiga ka dhexeeya Dawladda iyo shacabka. Falastiin waxa ay tusaale u tahay sida wada-shaqeyntu u keento horumar dhab ah.

Falastiin waxa ay tusaale fiican u tahay in teknoolajiyaddu ay tahay awood wax ka beddeli karta xaalad kasta, xitaa marka ay jiraan caqabado adag. Waxa laga baran karo waa in teknoolajiyaddu aysan ahayn oo kaliya qalab casri ah, balse ay tahay hab-fikir iyo qaab lagu xalliyo dhibaatooyinka jira. Dalalka kale, gaar ahaan kuwa u halgamaya sidii ay u horumarrin lahaayeen nidaamyadooda sharciga ah, waxa ay ka faa'iideysan karaan waayo-aragnimada Falastiin.

DEJINTA SHARCIYO HAGA ADEEGSIGA TEKNOOLOJIYADDA

Hirgelinta garsoor casri ah oo ku shaqeeya teknoolojiyadda waxa ay awood u siinaysaa nidaamyada cadaaladda inay noqdaan kuwo hufan, waxtar badan, oo ku shaqeeya si waafaqsan xuquuqda shakhsiyaadka. Si kastaba ha ahaatee, si nidaamkan loo hirgeliyo, waxaa lagama maarmaan ah in la dejiyo sharciyo waafaqsan oo nidaamiya dhinacyada kala duwan ee teknoolojiyadda lagu dabaqayo nidaamka garsoorka. Haddaba, sharciyada muhiimka ah ee looga baahan yahay hirgelinta nidaam garsoor oo casri ah, waxaa ka mid noqon kara:

- **Maamulka Maxkamadaha Fogaan-is-aragga Ah (Virtual Courts Governance Act):** Waa in sharciyadu qeexaan sida maxkamadaha foggaan-is-aragga ah u shaqeynayaan, oo ay ku jiraan habka dacwadaha loo diiwaangeliyo, loo galo, loo dhegeysto, loona go'aamiyo.
- **Caddeynta Dijitaalka ah (Digital Evidence Laws):** Waa in sharci lagu qeexo sida caddeymaha dijitaalka ah loo uruuriyo, loo kaydiyo, loona soo bandhigo maxkamadaha. Sidaas oo kale, waa in la oggolaado isticmaalka teknoolojiyada sida CCTV, waraaqaha dijitaalka ah, iyo caddeymaha kale ee tiknoolajiyada ku saleysan.
- **Saxeexa Elektaroonigga ah (Electronic Signature Law):** Waa in la aqoonsadaa saxexyada elektaroonigga ah ee loo adeegsado dukumentiyada iyo heshiisyada si ay ula mid noqdaan kuwa gacanta lagu saxiixay.
- **Dukumentiyada Digital ah (Electronic Documents Act):** Waa in sharciyadu aqoonsadaan dukumentiyada digitalka ah inay yihiin kuwo rasmi ah oo sharci ah oo loo isticmaali karo garsoorka.

- **Sharciga Isu-gudbinta Xogta Dijitaalka Ah (Data Interoperability Law):** Waa in la sameeyaa shuruuc iyo Habraacyo lagu sugo wadaagidda xogta ee hay'adaha kala duwan sida booliska, xeer-ilaalinta, maxkamadaha, iyo xabsiyada. Waana in lagu qeexaa cidda heli karta xogta iyo noocyada xogta la wadaagi karo.
- **Asturnaanta Xogta Shakhsiyeed (Data Privacy):** Waa in la sameeyaa sharciyo ilaalinaya xogta shakhsiga ee ku jirta nidaamka garsoorka digitalka ah.
- **Ilaalinta Amniga Xogta (Data Security):** Waa in sharciyadu hubiyaan in nidaamka digitalka uu yahay mid ammaan ah oo aan xogta loo jebin karrin ama loo isticmaali karrin si khaldan.
- **Adeegsiga AI (Artificial Intelligence Laws) :** Waa in la dejiyo sharciyo qeexaya sida tiknoolojiyada Artificial Intelligence (AI) loogu adeegsan karo go'aaminta iyo taageeridda nidaamka garsoorka.

Hirgelinta sharciyadani waxa ay bar-billow wanaagsan u noqon karaan helidda nidaam garsoor oo waara kana faa'iideysanaya teknoolajiyadda oo ka jawaabaya caqabadaha soo ifbaxaya, isla markaana ku saleysan shuruucda dalka u taala.

CAQABADAHA IYO FURSADAHA Ee ADEEGSIGA TIKNOOLOJIYADDA

Adeegsiga tiknoolojiyadda si loo horumariyo nidaamka garsoorka waa mid muhiim u ah horumarrinta caddaaladda iyo xoojinta dawlad wanaagga. Tiknoolojiyadda waxa ay kaalin weyn ka qaadan kartaa hagaajinta hab-socodka caddaaladda, yareynta musuqmaasuqa, iyo bixinta adeegyo caddaaladeed oo hufan. Si kastaba ha ahaatee, waxaa jira caqabado iyo fursado u baahan in si qoto dheer loo fahmo si loo gaaro ujeeddooyinkaas.

Caqabadaha ka Jira Adeegsiga Tiknoolojiyadda ee Garsoorka

Inkasta oo tiknoolojiyada casriga ah ay awood weyn u leedahay inay beddesho nidaamka garsoorka, haddana hirgelinta iyo adeegsigeedu waxa ay wajaheysaa caqabado gaar ah, gaar ahaan dalalka sida Soomaaliya oo kale ah, oo ay ku jiraan nidaamyo dib u dhisaya Dawladnimo iyo adeegyo aasaasi ah.

Halkan waxaa ku xusan caqabadaha muhiimka ah ee ka jira adeegsiga tiknoolojiyadda ee garsoorka:

1. **Kaabayaasha Tiknoolojiyadeed oo Liita:** Dalalka sida Soomaaliya oo kale, kaabayaasha tiknoolojiyadeed ayaa ah kuwo aad u kooban. Ma jiraan

nidaamyo isku xiran, internet tayo sare leh, iyo qalab tiknoolojiyadeed oo ku filan, kaas oo loogu talagalay in lagu casriyeeyo nidaamka garsoorka ee dalka.

2. **Aqoon la'aanta Tiknoolojiyadda:** Dadka ka shaqeeya hay'adaha garsoorka badankood ma haystaan aqoon ku filan oo tiknoolojiyadeed, taasoo adkeynaysa in ay si buuxda uga faa'iidaystaan nidaamyada casriga ah.
3. **Kalsoonni la'aan iyo Amniga Xogta:** Kalsoonida bulshada ku qabto nidaamyada tiknoolojiyadeed, gaar ahaan kuwa la xiriira xogta gaarka ah iyo caddaaladda, waa mid hooseysa. Sidaas oo kale, amniga xogta iyo ilaalinta waa caqabad weyn oo ay tahay in si gaar ah loo xalliyo.
4. **Musuqmaasuqa iyo Caddaalad Darro:** Nidaamyada garsoorka ee musuqmaasuqu saameeyay ayaa mararka qaar ka hor istaaga tiknoolojiyadda inay u hirgasho si waxtar leh, iyada oo mas'uuliyiintu aysan dooneyn in la abuurro nidaamyo hufan oo la iskula xisaabtami karo.
5. **Dhaqaale Xumo iyo Maalgelin La'aan:** Maalgashiga tiknoolojiyadda waa mid qaali ah, waana caqabad weyn haddii hay'adaha garsoorka aysan haysan miisaaniyad ku filan oo lagu hirgeliyo nidaamyada casriga ah.

Si caqabadahan wax looga qabto, waxaa lagama maarmaan ah in la xoojiyo kaabayaasha tiknoolojiyadeed, kor loo qaado aqoonta shaqaalaha, lana hubiyo amniga iyo hufnaanta nidaamyada.

Fursadaha ka Jira Adeegsiga Tiknoolojiyadda ee Garsoorka

Inkasta oo caqabado badan ay ku gadaaman yihiin, haddana adeegsiga tiknoolojiyadda waxa ay na siinayaan fursado badan oo lagu horumarrin karo nidaamka garsoorka. Fursadaha jira waa kuwo ballaaran oo haddii si habboon loo maareeyo, horseedi karta nidaam garsoor oo casri ah, hufan, isla markaana loo wada siman yahay. Fursadaha aan heysanno waxaa ka mid ah:

1. **Marxalad Bilow ah:** Soomaaliya ma leh nidaamyo duugoobay oo lagu tiirsan yahay, taasoo suurtagal ka dhigaysa in si dhakhso leh loo qaato tiknoolojiyada casriga ah oo aan la kulmin iska caabin dhaqan.
2. **Kharash Hoose:** Teknoolojiyada cusub sida cloud-ka iyo blockchain waxa ay yareyn karaan kharashka lagu maareeyo nidaamka garsoorka.
3. **Fursadaha Maalgelinta iyo Iskaashiga:** Hay'adaha caalamiga ah iyo kuwa maxalliga ah ayaa taageero weyn siin kara horumarrinta tiknoolojiyadda ee garsoorka, iyagoo bixinaya maalgelin, aqoon kororsi, iyo la-talin.

4. **Dhalinyarada Teknoolojiyada Aqoonta u Leh:** Soomaaliya waxa ay leedahay bulsho dhalinyaro ah oo si fudud ugu hiran karta tiknoolojiyada cusub, iyagoo tababar dheeraad ah ku qaadan kara AI, ML, iyo IoT.

HINDISAH E-GARSOOR: NIDAAMKA ISKU-XIRAN EE ELEKTARONIGA AH EE MAAREYNTA KIISASKA (IECMS)

Hindisaha e-Garsoor, waxa uu soo bandhigayaa hirgelinta Nidaamka Isku-xiran ee Elektarooniga ah ee Maareynta Kiisaska (IECMS) kaas oo si degdeg ah loogu horumarrin karo adeegga garsoorka Soomaaliya, nidaamkan ayaa isku xiraya hay'adaha garsoorka sida booliska, xeer-ilaalinta, maxkamadaha, iyo xabsiyada. Nidaamkan waxaa uu xoojinayaa hufnaanta, wada-shaqeynta, iyo isla-xisaabtanka ee hey'daha garsoorka.

Ahmiyadda Hindisaha e-Garsoor

Hindisaha e-Garsoor waxa uu fure u yahay iyo bar-billow wanaagsan ee lagu horumarrinayo nidaamka garsoorka Soomaaliya. Waxa uuna si gaar ah diiradda u saarayaa:

1. **Isku-xirnaanta Hay'adaha Garsoorka:** Nidaamka e-Garsoor waxa uu isku xiraa booliska, xeer-ilaalinta, maxkamadaha, iyo xabsiyada, isagoo hubinaya wada-shaqeyn iyo xog-wadaag.
2. **Horumarrinta Hufnaanta:** Nidaamku waxa uu yareynayaa dib u dhacyada kiisaska, waxa uuna kor u qaadaa degdegga iyo saxnaanta go'aanada.
3. **Daahfurnaanta iyo Isla-Xisaabtanka:** e-Garsoor waxa uu abuurayaa raadraac dhammaystiran oo dhammaan dhaqdhaqaaqyada kiisaska, taasoo sare u qaadeysa kalsoonida bulshada.
4. **Ka Hortagga Musuqmaasuqa:** Hirgelinta nidaamka e-Garsoor waxa uu yareynayaa faragelinta aan sharciyeysnayn, waxa uuna taageerayaa daahfurnaanta nidaamka garsoorka.

Qaab-Dhismeedka Hindisaha E-Garsoor

Mashruuca IECMS waxaa loo qaabeeyey qaab casri ah oo ka kooban afar qeybood oo waaweyn:

1. **Booliska (Criminal Investigation Module):** Maareynta cabashooyinka, raadinta caddeymaha, iyo diiwaangelinta dadka la xiro.

2. **Xeer-ilaalinta (Public Prosecution Module):** Diiwaangelinta kiisaska, diyaarrinta dacwadaha, iyo wada-shaqeynta maxkamadaha.
3. **Maxkamadaha (Courts Module):** Jadwalinta dhegeysiyada, maareynta dacwadaha, iyo soo saarista go'aamada maxkamadaha.
4. **Xabsiyada (Correctional Services Module):** Maareynta dadka xiran, diiwaangelinta agabka iyo xogta caafimaadka maxaabiista, iyo la socodka booqashooyinka.

Hirgelinta Hindisaha E-Garsoor

Hirgelinta e-Garsoor waxa ay u baahan tahay hab qorsheysan oo si buuxda u daboolaya baahiyaha nidaamka garsoorka iyo bulshada Soomaaliyeed. Tallaabooyinka loo mari karo hirgelintiisa waxaa ka mid ah:

1. **Ogaanshaha Baahiyaha:**
 - Wada-tashiyo lala yeesho daneeyayaasha kala duwan sida booliska, xeer-ilaalinta, maxkamadaha, iyo xabsiyada.
 - Soo ururinta xogta iyo fahamka caqabadaha hadda ka jira nidaamka.
2. **Horumarrinta Nidaamka:**
 - Abuuridda qaab-dhismeedka nidaamka iyada oo loo adeegsanayo tignoolajiyada casriga ah ee ku habboon baahiyaha Soomaaliya.
 - Hubinta in nidaamka uu yahay mid u fudud adeegsadayasha iyo uu shaqeyn karo xittaa xaaladaha uu jiro culeys dhanka internetka.
3. **Tababar iyo Wacyigelin:**
 - Tababaridda shaqaalaha hay'adaha garsoorka si ay si xirfad leh ugu adeegsadaan nidaamkan.
 - Wacyigelin bulshada si loo fahamsiiyo faa'iidooyinka nidaamka e-Garsoor iyo sida ay uga faa'iideysan karaan.
4. **Tijaabinta iyo Dib-u-Eegista:**
 - Tijaabinta nidaamka kahor inta aan la hirgelin si loo hubiyo inuu u shaqeynayo sidii loogu talagalay.
 - Dib-u-eegis joogto ah oo lagu qiimeynayo wixtarka iyo hufnaanta nidaamka ka dib hirgelinta.
5. **Iskaashiga Daneeyayaasha:**
 - La shaqeynta hay'adaha Dawladda iyo kuwa caalamiga ah si loo hubiyo in mashruucu uu helo taageero dhaqaale iyo farsamo.
 - Ku darista talooyinka iyo soo-jeedinta ka imaanaya bulshada iyo daneeyayaasha muhiimka ah.

ISTIRAATIJIYADDA ILAALINTA IYO XAJINTA XOGTA GARSOORKA

Marka la hirgalinayo garsoor horumarsan oo la jaanqaada teknoolajiyadda casriga ah, waxaa muhiim ah in la hel istiraatiijiyadda ilaalinta iyo xajinta xogta garsoorka, kaas oo ah qorshe ballaaran oo ay tahay in lagu xaqiijiyo ammaanka, asturnaanta, iyo saxnaanta xogta garsoorka ee ku jirta nidaamyada dijitaalka ah. Nidaamkani waa mid muhiim ah, gaar ahaan marka laga hadlayo Dawladda Soomaaliya, oo ku guda jira marxalado muhiim ah oo horumarrineed. Halkan waxaa ku jira dhowr qodob oo muhiim ah oo ku saabsan istiraatiijiyadda ilaalinta iyo xajinta xogta garsoorka:

Astaamaha Guud ee Istiraatiijiyadda

- **Amniga Xogta:** In laga hortago in xogta garsoorka loo isticmaalo si sharci-darro ah, ama ay galaangal ku yeeshaan dad aan loo oggolaanin.
- **Asturnaanta:** Hubinta in xogta dadka, dacwadaha, iyo kiisyada aysan gacanta u gelin cid aan la oggolayn.
- **Saxnaanta Xogta:** Hubinta in xog kasta oo la diiwaan geliyo ay tahay mid sax ah oo dhameystiran si looga fogaado khaladaadka saameeya go'aamada maxkamadeed.
- **Helitaanka Sharciyeed:** Hubinta in dadka iyo hay'adaha ay helaan xogta loo baahan yahay, iyada oo la ilaalinayo xuquuqda xogta asturnaanta leh.

Qodobada Muhiimka ah ee Istiraatiijiyadda

1. Xeerarka iyo Siyaasadaha

- Soo saarista xeerar qaran oo qeexaya habraacyada ilaalinta xogta garsoorka.
- Dejinta siyaasado lagu maamulo xogta dijitaalka ah, gaar ahaan xogta maxkamadaha iyo hay'adaha cadaaladda.

2. Tiknoolojiyada iyo Ammaanka Dijitaalka ah

- Hirgelinta nidaamyada tiknoolojiyadeed sida sirta xogta (encryption) si xogtu u ahaato mid ammaan ah.
- Isticmaalka Hab Isku-Dhafan ee kaydinta xogta (Hybrid Backup), oo iskugu jirto ku kaydinta xogta gudaha xarunta garsoorka (on-premises) iyo kaydinta xogta goobaha fog sida AWS ama Microsoft Azure (Cloud Backup).

- Adeegsiga aaladaha oggolaanshaha (authentication) sida biometirka ama aqoonsiyada dijitaalka ah si loo xakameeyo gelitaanka keydka xogta garsoorka.
- Sameynta nidaamyo degdeg ah oo hawlgeliya xog kayd-san si ay ula wareegaan shaqada.

3. Tababar iyo Wacyigelin

- Tababaridda shaqaalaha garsoorka si ay ugu dhaqmaan siyaasadaha amniga xogta.
- Wacyigelinta bulshada si ay u fahmaan xuquuqdooda xogeed iyo sida ay ugu qanci karaan in nidaamka garsoorku yahay mid hufan.

4. Iskaashiga Hay'adaha Kala Duwan

- Xoojinta wada shaqeynta hay'adaha garsoorka, amniga qaranka, iyo kuwa sirdoonka si looga hortago weerarada xogta.
- Dejinta qaab dhismeed wadaag ah oo suurtagelinaya in hay'adaha dowliga ah ay si badbaado leh u wadaagaan xogta muhiimka ah.

5. La Socod iyo Dib-u-eegis Joogto ah

- Samaynta nidaam lagu hubiyo in istiraatiijiyadda ilaalinta xogta si habsami leh u shaqeyso.
- Dib-u-eegista joogtada ah ee nidaamyada amniga si looga hortago khataraha cusub ee soo baxa.

GUNAANAD

Tiknoolojiyada casriga ah waxa ay iftiimisay waddo cusub oo lagu horumarrin karo nidaamka garsoorka, iyada oo hubinaysa helitaanka cadaalad, kor u qaadista hufnaanta, iyo ilaalinta xuquuqda shakhsiyaadka. Waa waajib in Dawladdu iyo hay'adaha garsoorku iska kaashadaan sidii tiknoolojiyada looga faa'iiday-san lahaa, iyada oo la xoojinayo kaabayaasha, tababarada, iyo nidaamyada amniga.

Hadda, Soomaaliya waxa ay ku jirtaa marxalad gaar ah oo dahabi ah, iyada oo ay jirto fursad qaali ah oo lagu hormarrin karo nidaamka garsoorka iyo guud ahaan kaabayaasha dijitaalka ah ee dalka. Sababtoo ah ma jiro nidaam dijitaal ah oo duugoobay oo horay loo hirgaliyay oo caqabad ku noqon kara horumarka, dalka waxa uu heli karaa jaanis uu si toos ah ugu hirgeliyo teknoolojiyadii ugu dambeysay,

taasoo karaar siin karta casriyeynta nidaamyada Dawladnimo iyo adeegyada bulshada.

Hirgelinta teknoolojiyadii ugu dambaysay sida **Blockchain, Artificial Intelligence (AI), Machine Learning (ML), Internet of Things (IoT), Extended Reality (XR)**, iyo **Quantum Computing** waxa ay bixin kartaa faa'iidooyin waaweyn oo dhinacyo kala duwan ah, sida hufnaan, kalsooni, iyo hal-abuur cusub.

Si kastaba ha ahaatee, waxa muhiim ah in diiradda la saaro:

- Kor u qaadista kaabayaasha tiknoolojiyada.
- Dejinta sharciyo iyo siyaasado taageeraya adeegyada garsoorka ee dijitaalka ah.
- Tababar joogto ah oo loo fidiyo garsoorayaasha iyo shaqaalaha cadaaladda si ay ula qabsadaan isbeddelada teknoolojiga.

Ugu dambeyntii, tiknoolojiyada waxa ay kaalin weyn ka qaadan kartaa dhismaha nidaam garsoor oo kalsooni leh, cadaalad ku saleysan, uguna adeega bulshada Soomaaliyeed si huffan oo ashqaraar leh.

DHAMMAAD

KAALINTA CADDAYMAHA ELEGTEROONIGADA AH EE CASRIYEYNTA GARSOORKA.**Cabdullaahi Yuusuf Aadan**

Cabdullaahi Wuxuu shahaadada heerka koowaad ku haystaa Shareecada iyo Qaanuunka, wuxuu kale oo Diplooma sare ka haystaa Cilmiga Daraasada Amniga, wuxuu kaloo bartay Cilmiga Dambi Baarista sidoo kale wuxuu hada diyaariyaa heerka labaad asaga oo ku diyaariya Xeerka Caalamiga ah iyo Xuquuqda Aadanaha (Master of International Law and Human Rights). Qoraagu wuxuu kusoo shaqeeyay Xirfado kala duwan sida Ganacsi, Nootaayiiste iyo Qareen, hadana waa Ku-xigeenka Xeer Ilaaliyaha Guud ee Qaranka, si gaar ahna ugu howlan La-Dagaalanka Dambiyada Maaliyadda.

Xiriirka: abdallegorfeeye@gmail.com , +252613206250.



HORSHAC:

Caalamka manta waxa uu marayaa horumar balaaran oo baaxad leh oo dhinaca teknoolojiyadda ah iyada oo ay lasoo deristay waxa loo yaqaano Kacaanka Macluumaadka, gaar ahaan dhinaca Isgaarsiinta iyo Macluumaadka, taas oo sababtay in teknoolojiyadda isgaarsiintu wax ka bedeshay oo meesha ka saartay soohdimihii juqraafi ee u dhexeeyey wadamada waxa ayna gacan ka gaystay in ay u bedesho sida duni ku nool Tuulo yar oo kale , marka la eego dhinaca isku dhowaanshaha, kala warqaadashada iyo xiriirka qotoda dheer ee lagu gaaray isgaarsiinta casriga ah oo sahashay in si fudud la iskugu gudbo.

Dhinaca kale helidda iyo weydaarsiga macluumaadka elekteroonigada ah waxa ay soo shaac baxday ka dib markii la hindisay lana hormariyey nidaamyada danabaysan ee loo isticmaalo kambuyuutarada iyo aaladaha kale ee elekterooniga ah waxa ayna sahashay in lagu Ilaaliyo xog aad u badan sidaas oo kalena lagu kala gudbiyo si ka sahlan sidii markii hore lagu kala qaadan jiray xogaha iyo macluumaadka.

Tobanaankii sano ee lasoo dhaafay, dunidu waxa ay goobjoog u noqotay horumarka baaxadda leh ee kacaanka teknoolojiyadda gaar ahaan dhinaca macluumaadka kaydinta xogta iyo gudbinteeda taas oo keentay in looga faa'idaysto baahiyaha adeegga Bulshada ee kala duwan oo ay ku jiraan qeybta caddaaladda sida baahinta fikradaha adeegga Garsoor, baahinta dacwadaha, soo bandhisigta cilmi baarista iyo caddaymaha Maxkamadaha hortooda.

Adeegsiga caddaymaha elekteroonigada ah waxaa loo arkaa hababka ugu muhiimsan ee baahinta iyo fududaynta adeegga Caddaaladda Garsoorka taas oo lagu gaari karo Go'aan ku dhisan caddaalad si ka fudud caddaymaha soo jireenka ah (Taqliidiga ah) loona heli karo qaabab kala duwan oo aan muran iyo hummaag soo dhex geli Karrin sida Marag furka Elegteroonigada ah kuna imaan karta qaababka muuqaal muujin ee lagusoo bandhigi karo caddaynta qofka marag furaya sida, Video live (Zoom imw) caddaynta marag ee muuqaal la duubay (CCTV Camera) iyo dhammaan qaababka kale ee lagusoo bandhigi karo caddaynta maraga elegteroonigada ah kuwaas oo dhammaantood muhiim weyn u ah gaarista caddaalad qaab fudud oo lagu go'aan qaadan karo taas oo ka qeyb qaadanaysa Casriyeynta Garsoorka.

Muhiimadda Mawduuca:

Muhiimadda Mawduucan waxaa muujinaya kaalinta shaqo wanaag iyo fududayn ee uu kusoo kordhinayo xaydaabka shaqada garsoorka, Waxaa xusid mudan in caddaynta xaq ama caddaynta Denbigu ay tahay hababka ugu muhiimsan ee lagu gaari karo caddaalad loo dhanyahay laguna kalsoonyahay

Sidaa awgeed in caddayamaha loo isticmaalo qaab elegteroonig ah iyada la adeegsanayo Teknoonoloyiyadda casriga waxa ay kaalin weyn ka qaadanasaa:

- 1- Horumarrinta xirfadda bah-da Garsoorka, gaar ahaan dhinaca adeegsiga teknooloojidda.
- 2- Fududaynta shaqada iyo is-weydaarsiga xogta si sahlan gaar ahaan caddaymaha elegteroonigad.
- 3- Kaydinta iyo Ilaalinta xogta Garsoorka gaar ahaan caddaymaha loo adeegsaday elegteroonigada..

Asbaabta Cilmi Baarista:

Asbaabta Daraasadeena mawduucan waxa ay waxa ay u laabanasa mid shakhsi ah iyo mid Mawduuci ah:

Asbaabta shakhsi ahaaneed waxa ay ka imaanasa raabitaanka gaarka ah ee diyaarrinta falanqaynta iyo lafo-gurka Cilmi baaris noocan oo kale, taas oo ku soo kordhin karta Makmatabadda Shrciyada ibba-furka xeerka gaarka ah ee diiradda saaraya horumarrinta caddaymaha Elegteroonigada ah.

Halka Aasbaabta Mawduuc ay u laabanaso soo bandhigista Mawduuc ku cusub saaxadda cilmi baarista gaar ahaan horumarrinta iyo casriyeyta Caddaymaha la horkeenayo ama uu dalbanayo garsooruhu si loogu gaaro natiijo ku dhisan aqoon iyo kalsooni caddaaladeed.

Ujeedada Cilmi-baarista

Cilmi baaristan waxa ay hiigsanasaa ujeedooyin dhawr oo lagu gaari karo:

- 1- Fahamka Guud ee qaab adeegsiga caddaymaha elegterooniga ah si loo casriyeeyo Garsoorka
- 2- Fahamka dhinaca sharci ee ka faa'iidsiga caddaymaha Elegterooniga ah
- 3- Ogaashaha Faa'idooyinka waa weyn ee adeegsiga caddaymaha Elegterooniga ah si loo hormariyo loona casriyeeyo Garsoorka

- 4- Ogaanshaha awoodda kalsooni ee caddaymaha elegterooniga ah marka la barbar dhigo caddaymaha soo jireenka ah.

MUSHKILADDA CILMI BAARISTA:

Cilmi baaristani waxa ay daaha ka qadaysa ibba-furka hal-xidhaale u baahan faham dheerada si loogu adeegsado si ku dheehan xirfad iyo kalsooni dheerad loogana faa'idaysto hannaanka casriyeynta iyo horumarrinta Garsoorka taas oo ah:

- Sidee loo adeegsadaa caddaymaha Elegterooniga ah si loo gaaro caddaalad dhinacyadu ku qancaan iyada oo la dhawrayo habraacyada uyaala xeerarka Dalka?

Haddaba si looga jawaabo su'aashaas ayay cilmi baaristani daaha ka qadasa qaababka ugu fudud uguna kalsooni badan ee loo adeegsan karo caddaymaha ku yimaadda qaab elegterooniga iyada laga faa'idaysanayo tecknooloojiyadda casriga ah.

HABKA (MANHAJKA) CILMI BAARISTA:

Cilmi baaristan waxa ay ku tiirsantahay Hab sharraxaadda iyo lafa-gurka mawduuca laguna taxliilinayo fekradaha ku gedaaman mawduuca cilmi baarista si loogaga faa'idaysto adeegsiga caddaymaha elegterooniga ah ee casriyeynta Garsoorka.

Cutubka koowaad: Qeexitaanka Caddaymaha Elegterooniga

Marka laga hadlayo qeexidda Caddaymaha Elegteroonigada ah waxaa muhiim ah marka hore la qeexo labada Qaar ee kelmadda (Caddayn) iyo (Elegteroonig) ka dib la qeexo kelmadda oo isku hal weedh kuna tusasa hal macne oo leh hal ujeedo.

Buugga (Annarita Puglielli iyo Cabdalla Cumar Mansuur, 2012) QAAMUUSKA AF-SOOMAALIGA makra uu ka hadlayo Ereyga Caddayn, Caddayso, caddaystay, caddee: waxaa lagu qeexaa: wax caddaan ka dhigid, ama arrin la qarrinyay soo bandhigid.

Buugga (1985) كتاب التعريفات (الجرجاني، 1985) marka uu ka hadlayay macnaha luuqadda Carabiga uu noqonayo sida uu ku qeexay Jur-jaani Caddayn: in la caddeeyo xukun iyada oo wax kale la cuskanayo.

Buugga (1982) وسائل الإثبات في الشريعة الإسلامية (الزحيلي، 1982) Marka uu ka hadlayo caddayn dhinaca shareecada Islaamka culimadu waxa ay isticmaalaan fahamka macnaha ereyga Caddayna (الإثبات) uu ku leeyahay luuqadda carabiga kaas oo ah Xujo ku oogis (إقامة الحجة) oo macnaheeda gaarka ah noqonayo in Xujada lagausoo bandhigo Garsoorka hortiisa qaababka sharcigu ogolyahay iyada ku saabsan xuquuq ama dhacdo ay ka dhalanaysa natiijo.

Buugga (2010) الإثبات القضائي مفهومه وأهميته في القضاء وتنظيمه التشريعي (الأمين، 2010) marka uu ka hadlayo caddayn waxa uu yiri marka la fiiryo Qeexitaanka Ereyga Caddayn ee Cilmiga Sharciga (Qaanuunka) waxaa lagu qeexi karaa soo bandhigista caddamyaha Garsoorka hortiisa.

Inkasta oo aan xeerka soomaaligu qeexin macnaha dhabta ee uu uleejdo caddaymo haddana waxaa la oran karaa macnaha ereyga caddayn waxa uu kusoo uruurayaa in la soo bandhigo xujo iyada laga duulaya Daliil cad oo xujadaa xiriir toos ah la leh si loo gaaro xukun looguna gaaro qaab caddaalad ah marka laga hadlayo Garsoorka hortiisa.

Buugga (Cambridge English Dictionary) Marka aan fiirino Qeybta kale ee kelmadda oo ah (Elekteroonig) waxa uu ku qeexayaa Agab loo adeegsado nidaamka danabaysan ee ku shaqeeya Qulqulka Korontada sida Compterada iwm.

Haddii aan isla fahanay Macnaha labada qaar ee uu ka koobanyhay ciwaanka cilmi baaristee ah Caddaymaha Elegterooniga ah midkasta aynu u qeexnay si gooni ah si loo fahmo nuxurka dhabta ah ee ereyga, waxa aan Qeexitaan u samaynaynaa kelmadda oo leh hal ujeedo oo ah macnaha loo adeegsanayo “Caddaymaha Elegterooniga ah”.

Marka laga hadlayo Qeexitaanka Caddaymaha elekterooniga ah sharciga Soomaaligu ma bixin qeexitaan gaar ah oo ku saabsan Caddaymaha elegterooniga iyo habka loo adeegsanayo caddaynta sicad oo la fahmi karo, hase yeeshe waxaa qeexitaanka ereyga laga soo qaadan dhinacyo kale inaga oo soo bandhigana qeexitaano kala duwan oo iska ag dhow macne ahaan sida:

- A. Buugga (المطلب, 2006) البحث والتحقيق الجنائي الرقمي في جرائم الكمبيوتر والإنترنت waxa uu ku qeexay caddayn elektarooniga ah: Caddaymaha laga soo qaato Agabka Kambuyuutarada loona adeegsado elegteroonig ah suurta galna ay tahay in loo adeegsado baraamijta taknooljiyadda iyada oo laga dhigayo macluumaad (xog) sida Qoraalada, sawirada, Codadka, muuqalada iyo dheecanada.
- B. Buugga (2009) الجرائم المعلوماتية (إبراهيم) waxa uu ku qeexay caddayn: xog kasta ha ahaato mid bani-aadamku sameeyey ama mid kambuyruutarka laga soo saaray lehna qaab la akhrin karo ama ay turjumi karaa dadka xirfadda u leh dib-u-habaynta macluumaadka kambuyuutaradda iyada oo loo kaashanayo baraamijyada kambuyuutarada. Sidaas oo kale.
- C. Xeerka (2023) قانون الإثبات في المعاملات المدنية والتجارية لدولة الإمارات العربية المتحدة waxa uu ku qeexaya caddaymaha elekterooniga ah: waxa ay noqonasaa caddayn kasta ama macluumaad la abuuray, la kaydiyey, la diray, ama la gaarsiiyey ama lagu helay wadada mid kamdi ah habka teknooolojiyadda macluumaada habkay doonto ha ahaatee, taas oo lagu soo celin karo waddo la fahmi karo, waxaa loo aqoonsanayaa caddayn elegteroonig ah.
- D. Xeerka (2021) نظام الإثبات في المملكة العربية السعودية waxa uu caddayn elektarooniga ku qeexaya si u dhow sida uu ku qeexayo Xeerka hore Imaaraatka, waxa uuna kusoo koobayaa caddayn elegteroonig: caddayn kasta oo laga soo qaatay xog, la abuuray, la soo dejiyey, la kaydiyey, la gudbiyey ama la diray qaab elegteroonig ah iyada oo dib looso celin karo ama lagau heli karo qaab la fahmi karo waxaa loo aqoonsanayaa caddayn elegteroonig ah
- E. Xeerka (قانون مكافحة جرائم تقنية المعلومات في مصر) ee Masar ayaa Qeexaya shuruurdo iyo kantarool ay tahay in lawada helo iyada oo aan wax cillad ah ku dhicin caddaynta Dhijitaalka ah si ay u yeelato Qiime la mid caddaynta caadiga ah, kuwaas oo ah sidan soo socota:
 - 1- Habka uruurinta helitaanka iyo soo saarista caddaynta dhijitaalka ah waa in loo fuliyaa iyada oo la adeegsanayo farsamooyin damaanad qaadaya ama hubinaya in aysan ku imaan wax Doorsoon, is-bedel, masixid macluumaadka iyo caddaynta ama borograamka iyo agabka elegterooniga ee la adeegsanayo.
 - 2- Caddaynta elegetrooniga ah waa in ay xiriir la leeladahay dhacdada iyo mawduuca loo adeegsanayo in lagu sugo ama lagu diido iyada oo loo eegayo baaxadda go'aanka Hay'adda baadhista ama Maxkamadda awoodda u leh.
 - 3- Caddaynta elegterooniga ah waa in ay u uruuriyaa, soo saaraan , ilaaliyaan, saraakiisha garsoorka ee loo ogolaaday in waxka qabtaan caddaynta nooca oo

kale ah,ama Xeel-dheerayaal (khubaro) aqoon dheerad ah u leh oo ay u xilsaaratay Hay'adaha baadhistu ama maxkamaddu,waase haddii lagu xusay warbixinada qabashada nooca barnaamijka ama agabka la adeegsanayo iyada oo la diiwaan gelinayo koodhka (Hash خوارزم) kaas oo soo saaraya nuqul la mid ah asalka caddaynta dhijitaalka ah ee la keenayo golaha Garsoorka iyada oo lagu dedaalayo Ilaalinta iyo kaydinta Caddaynta asalka ah oo aan la faragelin.

- 4- Haddii ay suurtagal noqon waydo in la baaro nuqul kamid ah caddaynta dhijitaalk ah sidaas oo kale aysan suurta gelin in la dhawro agabka la baarayo sabab kasta ha keentee waxaa waajib ah in la baaro nuqulka asalka ah lana keeno fagaaraha garsoorka, waxaana lagu qori doona warbixinada falanqaynta.
- 5- Caddaynta dhijitaalka ah waa in lagu diiwaan geliyaa diiwaanka habraacyada Maxdarka, waxaana hawsha qanaya cidda ku shaqad leh inta aan la falanqayn, sidaas oo kale waa in lagu daraa diiwaan gelinta Goobta lagu qabtay, goobta lagu kaydiyey iyo goobta lagu farsamaynayo tilmaamaheeda.

Inkasta sida aan hore usoo sheegay aan Xeerka Soomaaligu sina ugu banbixin in uu qeexo Caddaymaha elegterooniga ah haddana marka lasoo uruuriyo Qeexitaanada laga bixiyey Caddaynta elegterooniga ah waxa kasoo baxaya in ay tahay caddayn walba oo loo cuskan karo xukun kana ka timi ama loo adeegsaday, lagu kaydiyey , ama lagu daabacay, laga soo saaray ama lagu sameeyey, agabka elegterooniga ah ee kala duwan sida Combuyuutarada, shaashadaha, moobilada, shaybaadhada, iyada oo ay shardi tahay in aysan is beddalin, la tirin, la doorin,si loogu kal soonaado , looguna gaaro go'aanka caddaaladeed ee la doonayo. Taas oo adeegsigedu qeyb weyn ka qaadanasa horumarrinta iyo casriyeynta Garsoorka.

Cutubka Labaad: Noocyada caddaymaha Elegterooniga

Waxaa jira noocyo kala duwan oo caddaymaha elegterooniga ah kuwaas oo dhammaantood siyaabo kala duwan loogu adeegsan karo sugitaanka xaqaa ama caddaynta denbiga Garsoorka hortiiisa, waxa aynu kasoo qaadananaa qaar kamid ah noocyadaas kala duwan:

Nooca koowaad: Caddaymaha Qoraalka Elegterooniga.

Hordhac.

Horumarka technooloojiyadda ee baaxadda leh waxa ay saameyn muuqata ku yeelatay hab-qoraalka iyo isticmaalka agabka loo adeegnayo qoraalka taas oo meesha ka saartay adeegsiga waraaqaha kuna bedeshay isticmaalka agabka elegterooniga ah taas oo sahashay in si fudud loogu qoro, kaydiyo, ama looga wareejiyo qoraalada.

Tallaabaddaas waxa ay sidaas oo kale saamayn muuqata ku yeelatay dhinaca sharciga ee qoraalada iyada oo loo tixgeliyey in caddayn ahaan loo adeegsan karo qoraalada lagu abuuray, ama laga keenay ama loo adeegsaday dhinaca aaladaha eleetrooniga ah taas oo raad muuqata ku yeelatay casriyeynta garsoorka.

Haddaba marka laga hadlayo caddaymaha qoraalka elegterooniga ah waxaa muhiim ah in la caddeeyo:

- Maxaa loola jeeda caddaymaha qoraalka ee eleetrooniga ah?
- Caddaymaha qoraalka elegterooniga ah ma leeyihiin qiime dhammaystiran mise waxa ay la mid yihiin qoraalada caadiga ah?
- Caddaymaha qoraalada elegterooniga ma waxaa loo adeegsada sugidda heshiisyada mucaamalaadka mase loo adeegsan karaa sugidda caddaymaha denbiyada ciqaabta ah?

Marka laga hadlayo fikradda soo jireenka ah ee hab qoraalka way adagtahay in qoraalada eleetrooniga ah laga mid dhigo sida qoraalada caadiga ah ee waraaqaha loo adeegsado sababta oo ah waxaa kala duwan agabka iyo aaladda loo adeegsanayo sidaas oo kale waxaa kala fog qaabka loo ilaaliyo ama loo min guuriyo iyo qaabka loo adeegsada sidaa darteed waxa lagu Qeexi karaa Qoraalka elegterooniga ah: Xarfo, tirooyin, kelmado, ama xitaa calaamado muujinaya macne gaar ah nooca ay doonto hanoqoto qaabkeedu ama qaabka loo adeegsanayo iyada aysan shardi ahayn in yeelato Jurmi la taaban karo.

Xeerka Saxiixa Eleetrooniga ah ee Masar (المصري, 2004) waxa uu leeyahay Qoraalka Elekterooniga ah waxaa loola jeedaa: dhammaan ereyada, lambarada, calaamadaha, ama calaamad kasta oo xiriir la leh elegterooniga ama dhijitaalka ama muuqaalada ama agab kasta oo kale oo lamid ah suurta galna ay tahay in la haleelo.

Waxkabadalka Xeerka Madaniga Jasaa'ir (الجزائري, 2005) waxa uu leeyay Qoraalka Elektarooniga ah waxaa loola jeeda: Waxaa lagu qeexaa in caddeynta qoraalka ah ay noqon karto mid kasta oo ku jira isku xigxiga xarfo, sifeyn, lambarro, calaamado, ama astaan leh macno la fahmi karo, iyada oon loo eegin habka ama aaladda ay ku kaydsan tahay ama loo gudbiyey.

Dhinaca kale marka aan fiirino caddaymaha qoraalka elegterooniga ma yeelanayaan qiime dhammaystiran mise waxa ay lamid yihiin caddaymaha qoraalada caadiga ah waa dood weyn oo ka dhex jirta bahda Fuqahada iyo sharciyaqaanada caalamka taas oo salka ku haysa doodad caddaymaha dabran iyo caddayma furan ee ka dhex jirta garyaqaanada, waxaana jirta aragti odhanasa qoraalada elegterooniga ah ma yeelan karaana qiime dhammaystiran oo lagu dhisi karo xuquuq ama xukun sababta oo

waxa ku imaan karaa doorsoon ama wax ka bedelid taas oo meesha ka sari kartaa kalsoonidii lagu qabi lahaa Ilaalinta xogta ku sugan qoraalada elegterooniga ah.

Dhinaca kale sharciyaaqanada aamisan in ay qoraalada elegterooniga ah loo adeegsanayo caddayn dhammaystiran lana siinayo qiimeyn lamid ah caddaymaha kale waxa ay dhigayaan shuruud iyo dabar ay waajib tahay in laga helo dhamman qoraalada loo adeegsanayo caddayn ahaan:

- 1- In qoraalka elegterooniga yahay mid la akhrin karo: waxaa waajib in si qoraalka elegetrooniga ah u noqdo caddayn macquul ah in uu yahay mid la fahmi karo oo ku qoran ereyo ama calaamado la garanayo.
- 2- In qoraalka elegterooniga ah ku tilmaaman yahay sugnaan dhammaystiran: si loogu kalsoonado qoraalada elegetrooniga waxaa laga rabaa in uu yahay qoraal sugan oo aan is bedbedlayn taas oo sahli karta in lagu sameeyo tixraac haddii loo baahdo in asalka qoraalka sida loo abuuray iyo sida loo min guuriyey lagu laabto.
- 3- In qoraalka elegterooniga ah yahay mid aan is bedelayn: inkasta agabka la istemaalayo mid ay suurta gal tahay in la farageliyo haddana waxaa waajiba si loo cuskado caddaymaha qoraalada elegterooniga in uu yahay mid laga ilaaliyay dhammaan noocyada kal duwan faragelinta sida inla jabsado, la bedelo, la tiro la dhalan rogo iwm.

Marka la eego tixgelinta xeerarku siiyeen caddaymaha qoraalka elegterooniga ah waxa aan kasoo qaadan karnaa

Waxkabaddalka Xeerka madaniga Jasaa'ir (الجزائري, 2005) marka la eego baabka caddaymaha qoraalka ah waxaa ku xusan oo uu sheegayaa in caddaynta qoraalka ee u qoran qaabka lektarooniga loo tixgelinayo sida caddaynta warqadda ku qoran waase haddii ay suurtagal tahay in la xaqiijiyo in loo diyaariyay laguna kaydiyey si waafaqsan oo aan ka baxsanayn xayndaavka sharciga.

Ugu danbayna marka la baadho dhammaan xeerarka qeexaya caddaymaha qoraalka waxa ay u badanyihiin kuwo u tixgelinaya in loo adeegsado sugityaanka xuquuqaha iyo gelitaanka heshiisyada taas oo ah dhinaca mucaamalaadka Madaniga, iyada oo aan wax diidaya oo xeer ah ay jirin in caddaymaha qoraalka elegterooniga ah loo adeegsan karo sugitaanka kiisaska ciqaabta.

Sidaa darteed, waxa aan oran karnaa caddaymaha qoraalka elegterooniga ah waa loo adeegsan karaa dhammaan sugutaanka kiisaska madaniga iyo ciqaabta ah haddi lag helo in caddayntaasi buuxisay halbeegga guud ee loo dejiyey isticmaalka caddaymaha qoraalka elegetrooniga ah.

Nooca Labaad: Caddaymaha Email'ka Elektarooniga.

Hordhac:

Caddaymaha email-ka elektarooniga ah waa mid ka mid ah noocyada muhiimka ah ee caddaymaha elektarooniga ah ee si ballaaran loogu adeegsado dacwadaha sharci, baaritaanada iyo xallinta khilaafaadka. Email'ku waxa uu ka kooban yahay xog cad oo lagu diiwaangeliyo isgaarsiinta u dhexeysa dhinacyada, taasoo ay ku cadahay waqtiga, taariikhda, iyo nuxurka farriinta. Horumarka tiknoolajiyada isgaarsiinta ayaa ka dhigay email'ka mid si fudud loo heli karo, loona kaydin karo, taas oo ka dhigaysa il muhiim ah oo sharci ahaan lagu kalsoonaan karo, caddaymaha email'ka waxaa si gaar ah looga faa'iidaystaa kiisaska la xiriira heshiisyada ganacsi, khiyaanada, hanjabaadaha, iyo khataraha amniga.

Qeexitaan:

Emailka elegterooniga waxaa lagu qeexaa: Nidaam loogu talagalay in lagu diro waraaqaha elegterooniga ah sida heli taanka farriimaha elegetrooniga ah iyada oo la adeegsanayo Internetka.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan emailka elegterooniga ah waxa aan soo qaadan karnaa:

Sharciga (numérique, 2004) kalsoonida dhaqaalaha dhijitaalka ee faransiiska waxaa uu Emailka elegterooniga ah ku qeexayaa: farriin kasta hadday tahay qoraal, muuqaal, ama sawiro taas oo lagusoo diro shabakad isgaarsiin Guud laguna kaydiyo serfarada shabakadda si ay u suurta gasho in lasoo celin karo haddii loo baahdo.

Sharciga gaarka ah isgaarsiinta maraykanka (Act, 1986)waxa uu ku qeexayaa Emailka elegterooniga ah: hab-isgaadhsiineed ay suurta gal tahay in lagu kala qaato farriimaha gaarka ah iyada oo la adeegsanayo taleefanada ama kambuyutarada si elegetroonig ah iyada la kaydin karo mustaqbalka dambe.

Muhiimadda Emailka Elketarooniga:

Marka laga yimaaddo qeexitaanadda Emailka elegterooniga ah waxaa muhiim ah in aan wax ka sheegno muhiimadda gaarka ah ee uu leeyahay emailka elegetrooniga si aynu u aragn saamaynta uu ku yeelan karo hormurinta Garsoorka, Buuga (غريب, 2018) حجية البريد الإلكتروني في الإثبات waxa uu sheegaya tilmaamo dhawr ah oo ay kamid yihiin:

- 1- In farrimaha la sikugu gudbin karo hab fudud oo degdeg ah iyada oo la adeegsanayo sanduuqa diritaanka farriimaha si sahlan.
- 2- Habka isgaarsiintan oo lagu heli karo qiime jaban, marka la eego in labada qof kuwada xiriiran habka isgaarsinta taleefamka ama aaladaha kale waxa ay qaadan kartaa qarash badan iyada wadamadi kala duwanyihiin, lakin marka xiriirka loo adeegsanayo qaab email ah waxa ay ku kici kartaa qiime aad u jaban iyada oo loo adeegsan karo qalab kala duwan.
- 3- Emailku waxa uu shaqeeya waqti kasta iyada oo aysan shaqadiisa ku xirnayn fasax iyo fasax la'aan.
- 4- Waxaa suurta gal in halkii mar lagu diri farriimo aad u badan inta loo baahdo markaaba toos loogu dirikaro isaga oo gudbinya isla hal waqti awoodna uu u leeyahay in hal qof waxka badan uu hal waqti hal farriin ama kabadan u wada diri karo sidaas oo kalena la aqrin karo la warejin kari markii loo baahdo.
- 5- Waxa uu awood u leeyahay in uu kaydiyo xogta lagu diro muddadii loo baahdana laga heli karo inkasta oo ay suurtagl tahay in la jabsan katro taas oo sababi karta in farrimaha ku jira waxlaga bedelinkaro.

Marka la eego Qiimaha sharci ee Emailka elegterooniga kalsoonida lagu qabo kaydinta macluumaadka iyo sida fudud ee xogta lagu kala qaadan karo waxaa la odhan karaa caddaymaha ugu wanaagsan ee qaabka legetrooniga ah lagu gudbin karo ama lagu isticmaali karo gaar dhinaca mucaamalaadka iyo sugidda denbiyada ciqaabta ah.

Nooca Saddexaad: Caddaymaha Fariimaha Qoraalka Elektarooniga.

Hordhac:

Caddaymaha fariimaha qoraalka ah ee elektarooniga ah waa qeyb muhiim ah oo ka mid ah caddaymaha elektarooniga ah ee loo adeegsado dacwadaha sharci iyo baaritaanada, fariimaha oo lagu gudbiyo aaladaha isgaarsiinta sida taleefannada gacanta iyo baraha bulshada, waxa ay bixiyaan xog muhiim ah oo lagu caddeyn karo xiriirka dhinacyada ama lagu dhisi karo kiis. Tiknoolajiyada casriga ah ayaa sahlay in fariimaha qoraalka ah la kaydiyo, dib loo helo, oo loo adeegsado sidii caddayn sharci ah.

Qeexitaano:

Fariimaha Qoraalka, waxaa lagu qeexaa, hab isgaarsiin oo casri ah oo la'isku waydaarsado qoraalo ayado oo la isticmaalayo aalado elektarooniga oo Internet ku shaqeeya, sida; Fariin Qoraalka Moobiilada SMS, Whatsappka, Messengerka, Telegaramka iyo Alaadaha lamidka ah ee loogu tala galay in fariimaha la isku waydaarsado.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan emailka elegterooniga ah waxa aan soo qaadan karnaa:

Buugga (Sweet & Maxwell., 2020) Law of Evidence waxa uu ku qeexaya fariimaha qoraalka: Fariimaha qoraalka ah waxaa lagu qeexi karaa inay yihiin isgaarsiin qoraal ah oo si otomaatig ah loo keydiyo, loona gudbiyo iyada oo la adeegsanayo qalab elektarooni ah, waxaa loo isticmaali karaa in lagu caddeeyo dhacdooyin ama xiriirro, iyada oo laga heli karo macluumaad ku saabsan waqtiga, meesha, iyo macnaha guud ee isgaarsiinta.

Buugga (Daniel Garrie & Yoav Griver, 2014) Electronic Communication Evidence in Civil and Criminal Cases waxa uu ku qeexaya fariimaha qoraalka: Fariimaha qoraalka ah waxaa loo arkaa inay yihiin caddayn isgaarsiineed oo ku saleysan aaladaha elektarooniga ah, kuwaas oo loo adeegsan karo muujinta qandaraasyada, heshiisyada, ama falalka ciqaabta ah iyada oo loo marayo adeegyo sida SMS iyo WhatsApp.

Muhiimadda Fariimaha Qoraalka Elektarooniga:

Marka laga yimaaddo qeexitaanadda Fariimaha Qoraalka elegterooniga ah waxaa muhiim ah in aan wax ka sheegno muhiimadda gaarka ah ee ay leeyihiin fariimaha qoraalka elegetrooniga si aynu u aragn saamaynta uu ku yeelan karo hormurinta Garsoorka, Buuga (Casey, Digital Evidence and Computer Crime, 2011) waxa uu sheegaya tilmaamo dhawr ah oo ay kamid yihiin:

- 1- Fariimaha qoraalka ah waxaa si weyn loogu adeegsadaa dacwadaha madaniga ah, gaar ahaan kiisaska ku saabsan qandaraasyada, murannada heshiisyada, iyo xiriirrada ganacsiga, waxa ay bixiyaan caddeyn qoraal ah oo ku saabsan wadaxaajoodyada iyo heshiisyada dhinacyada. Tusaale ahaan, marka ay jiraan muranno ku saabsan shuruudaha heshiis, fariimaha qoraalka ah ayaa si cad u muujin kara waxa la isku afgartay.
- 2- Kiisaska ciqaabta ah sida hanjabaadaha, khiyaanada, musuq-maasuqa iyo dambiyada internetka, fariimaha qoraalka ah waxa ay bixiyaan caddayn muhiim ah oo muujinaya xiriirka u dhexeeya eedaysanaha iyo dhibbanaha, waxa kale oo loo isticmaali karaa fariimaha qoraalka fahamka ujeedooyinka dambiileyaasha iyo caddeynta dhacdada.
- 3- Fariimaha qoraalka ah waxa ay bixiyaan xog muhiim ah oo la xiriirta waqtiga iyo meesha dhacdooyinku ka dhaceen, fariinta waxaa ku jira xog ku saabsan taariikhda iyo saacadda la diray ama la helay, taas oo muhiim ah marka la isweydiyo haddii dhacdooyinka qaarkood ay dhaceen ama aanay dhicin.

Fariimaha qoraalka ah waxa ay door muhiim ah ka ciyaarayaan nidaamka cadaaladda ee casriga ah iyagoo ah mid ka mid ah noocyada ugu badan ee

caddaymaha elektarooniga ah ee la isticmaalo, waxa ay bixiyaan macluumaad muhiim ah oo ku saabsan xiriirka, waqtiga, iyo nuxurka isgaarsiinta, waxa ay door wayn ka ciyaaran dacwadaha madaniga ah iyo kuwa ciqaabta ah, iyada oo lagu xaqiijiyo sheegashooyinka dhinacyada.

Nooca Afaraad: Caddaymaha Codka Elektarooniga.

Hordhac:

Caddaymaha codka elektarooniga ah waa mid ka mid ah noocyada muhiimka ah ee caddaymaha elektarooniga ah ee lagu adeegsado nidaamyada sharci iyo baaritaanada casriga ah, duubista codka, iyada oo loo adeegsanayo qalabyo elektarooni ah sida taleefannada casriga ah, cod-duubiyeyaasha, ama nidaamyada isgaarsiinta, waxa ay noqdeen ilo muhiim ah oo lagu xaqiijiyo xaqiiqooyinka ama lagu taageero sheegashooyinka dhinacyada is dacwaynaya, garsoorkana u fududaysa gaarista go'an sax ah.

Qeexitaano:

Codka elektarooniga ah waa duubista codka ee lagu kaydiyo qalabka elektarooniga ah, sida telefoonada gacanta, qalabyada duubista codka, ama server-yada elektarooniga ah. waxa ayna noqon karaan wicitaanno cod ah, fariimo cod ah, ama duubisyo kale oo cod ah.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan codka elegterooniga ah waxa aan soo qaadan karnaa:

"Codka elektarooniga ah waa caddayn muhiim ah oo bixisa xog cad oo ku saabsan wada hadalka dhinacyada," sida uu qabo buugga (Casey, Digital Evidence and Computer Crime, 2011) Digital Evidence and Computer Crime.

"Codka elektarooniga ah waa xog maqal ah oo laga soo duubo qalab elektarooni ah sida taleefannada, duubiyayaasha, ama barnaamijyada isgaarsiinta casriga ah, taas oo loo isticmaalo caddeyn sharci ahaan marka la buuxiyo shuruudaha sax ahaanta iyo ilaalinta amniga." Sida uu qabo buuga (Amelia Phillips, Bill Nelson, Christopher Steuart, 2018) Guide to Computer Forensics and Investigations.

Muhiimadda Codka Elektarooniga;

Marka laga yimaaddo qeexitaanadda codka elegterooniga ah waxaa muhiim ah in aan wax ka sheegno muhiimadda gaarka ah ee ay leeyihiin codka elegetrooniga si aynu u aragn saamaynta ay kuleeyihiin hormurinta Garsoorka, inta aan baarayay mowduuca ma helin buug si toos ah u sheegaya muhiimadda codka eletarooniga ah, balse markaa fiirisi qeexitaanada buugagta ay kabixinayan waxaad helayasaa dhawr arrimood oo muhiim ah oo ay kamid yihiin:

- 1- Codka waxa uu muujin karaan sida dhinacyadu isula xiriireen, waxa laga hadlay, iyo waqtiga ay wada hadleen, waxa uu si fiican u muujin karaa xiriirka u dhexeeya eedaysanaha iyo dhibanaha.
- 2- Duubisyada codka waxa ay bixiyaan xog muhiim ah oo muujinaysa ujeeddada dhinacyada ama ujeeddooyinka dembiilaha.
- 3- Codka ayaa inta badan kaydiya xogta la xiriirta waqtiga iyo meesha wicitaanka ama fariinta laga diray, taas oo muhiim u ah in la caddeeyo dhacdooyinka.

Codka elektarooniga ah waa aalad muhiim ah oo lagu xaqiijiyo cadaaladda, iyagoo leh awood ay ku bixiyaan xog maqal ah oo cad, waxa ay si weyn u caawiyaan garsoorka si loo fahmo loona caddeeyo dhacdooyinka. Si kastaba ha ahaatee, isticmaalka caddaymahan waxa uu u baahan yahay in lagu dhaqmo habraacyada sharciga si loo hubiyo saxnaanta iyo ilaalinta xuquuqda aadanaha.

Nooca Shanaad: Caddaynta Muuqaalka Elektarooniga.

Hordhac:

Caddaynta muuqaalka elektarooniga ah oo ah Fiidiyowiyada iyo Sawirada, waxa ay door muhiim ah ka ciyaaran nidaamyada garsoorka casriga ah, iyagoo ah kuwo lagu kalsoon yahay si loo caddeeyo dhacdooyinka iyo xaaladaha la isku haysto. Horumarka tiknoolajiyada ee casriga ah waxa uu suurtagaliyay in muuqaalada iyo sawirrada la kaydiyo oo loo isticmaalo si sharci ah, taasoo fududeysa ururinta iyo falanqaynta xogta muhiimka ah ee kiisas kala duwan. Noocyada caddaymahan waxaa ka mid ah fiidiyowiyada laga soo duubo kamaradaha amniga (CCTV), sawirrada laga qaado goobaha dhacdooyinka, iyo muuqaalada laga kaydiyo baraha bulshada ama aaladaha casriga ah, waxa ay bixiyaan muuqaal muuqda oo aan loo baahnayn in la fasiro, taas oo kor u qaadda hufnaanta iyo saxnaanta go'aannada garsooka.

Qeexitaano:

Muuqaalka elektarooniga ah waa sawirro ama fiidiyowyo lagu kaydiyo qalab elektarooni ah sida kamaradaha amniga (CCTV), taleefannada gacanta, iyo server-yada baraha bulshada.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan Muuqaalka elektarooniga ah waxa aan soo qaadan karnaa:

"Caddaynta muuqaalka elektarooniga ah waxaa loola jeedaa xog muuqaal ah oo lagu soo duubo qalab dijitaal ah, sida kamaradaha CCTV, taleefannada casriga ah, ama barnaamijyada diiwaangelinta muuqaalada, taasoo loo isticmaalo sidii caddayn

sharci ahaan." sida lagu xusay buugga (Casey, Digital Evidence and Computer Crime, 2011)Digital Evidence and Computer Crime.

"Fiidiyowiyada iyo sawirrada dijitaalka ah waxa ay si cad u muujinayaan dhacdooyin, waxaana loo adeegsadaa baaritaannada sharci si loo xaqiijiyo sheegashooyinka dhinacyada ama loo caddeeyo dhacdo oyin" sida lagu xusay buugga (Saferstein, 2015) Introduction to Forensic Science.

Muhiimadda Muuqaalka Elektarooniga;

Marka laga yimaaddo qeexitaanadda Muuqaalka elegterooniga ah muhiimadda muuqaalka elektarooniga ah waxa ay si weyn uga muuqataa nidaamyada sharci, ganacsi, iyo arrimaha amniga, maadaama ay tahay caddayn Fiidyow iyo Sawir ah oo si cad u muujin karta dhacdooyinka ama xaaladaha. Halkan waxaa ku xusan dhowr qodob oo muhiimad leh oo la xiriira muuqaalka elektarooniga ah oo aan kasoo aruuriyay macluumaad kala duwan oo la xiriira mowduuca, maadama aanan helin buug si toos ah looga soo xigan karo:

- 1- Muuqaalada elektarooniga ah sida fiidiyowiyada, Sawirada, CCTV ama muuqaalada laga soo duubay goobaha shilalka ayaa bixiya xog muuqaal ah oo aan loo baahnayn in la fasiro, waxa ay u caddeeyaan garsoorka sida dhacdada loo arkay, iyagoo yareynaya khilaafka ku saabsan dhacdada.
- 2- Muuqaalada elektarooniga ah waxa ay diiwaan geliyaan xog muhiim ah sida waqtiga, taariikhda, iyo goobta dhacdada.
- 3- Maxkamadaha adduunka waxa ay aqoonsadeen muuqaalada elektarooniga ah inay yihiin caddayn awood leh oo saameyn ku leh go'aannada sharci, waxa ay inta badan saameeyaan go'aannada lagu gaaro kiisaska dambiyada, gaar ahaan kuwa u baahan in la caddeeyo dhacdooyinka muuqda sida dilalka, shilalka ama dhacdooyinka kale.
- 4- Muuqaalada elektarooniga ah waxaa ku jira xogta ku saabsan goobta iyo waqtiga duubista, taasoo muhiim u ah baaritaannada sharci, farsamooyinka casriga ah waxa ay awood u siinayaan in la xaqiijiyo sax ahaanta xogta iyo in la ogaado in muuqaalka wax laga beddelay iyo in kale.

Muuqaalada elektarooniga ah waa il muhiim ah oo lagu kalsoonaan karo si loo caddeeyo xaqiiqooyinka iyada oo la adeegsanayo farsamooyinka casriga ah ee lagu hubiyo saxnaanta iyo asalnimada xogta, muuqaalada elektarooniga waxa ay sii ahaan doonaan qeyb muhiim ah oo ka mid ah nidaamyada sharci iyo amni ee casriga ah.

Nooca Lixaad: Caddaymaha Diiwaanka Elektarooniga.

Hordhac:

Diiwaanka elektarooniga ah waa hab casri ah oo lagu kaydiyo xogta iyada oo la adeegsanayo aalado iyo habab elektaroonig ah, taas oo ka duwan diiwaannadii hore ee warqadaha lagu keydin jiray. Tiknoolajiyadda iyo nidaamyada casriga ah ee ku saleysan dhijitaalka waxa ay keeneen in diiwaanka elektarooniga ah uu noqdo mid muhiim ah oo si ballaaran loo isticmaalo. Diiwaanka elektarooniga ah waxa uu door muhiim ah ka ciyaaraa dhinacyada sharci, maamulka xogta, iyo caddeynta dhacdooyinka. Isticmaalka nidaamyadan waxaa si weyn uga faa'iidaysta garsoorka, hay'adaha kale ee dowliga ah, shirkadaha ganacsiga, iyo dhinacyo kale oo badan oo ku tiirsan kaydinta iyo dib u soo celinta xogta.

Qeexitaano:

Sida lagu sheegay nidaamka sharciga ee dalal badan, diiwaanka elektarooniga ah waxa uu u dhigmaa diiwaanka caadiga ah ee lagu keydiyo warqadaha, balse waa inuu buuxiyo shuruudo ay ka mid yihiin sax ahaanta, asalnimada, iyo helitaan fudud.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan Muuqaalka elegterooniga ah waxa aan soo qaadan karnaa:

"Xog ama macluumaad lagu abuur, lagu diro, lagu kaydiyo, ama lagu helo iyada oo la adeegsanayo habab elektaroonig ah oo lagu keydiyo aalado dijitaal ah, isla markaana si fudud dib loogu soo celin karo" sida lagu xusay buugga (Mason, Electronic Evidence: Disclosure, Discovery & Admissibility, 2017) Electronic Evidence: Disclosure, Discovery & Admissibility.

“Dhammaan dokumentiyada, waraaqaha, waraaqaha qoraalka ah, khariidado, buugaag, cajalado, sawirro, filimaan, duubisyada codka, barnaamijyada habaynta xogta, ama agab kale, iyada oon loo eegin qaabka, astaamaha, ama habka gudbinta, kuwaas oo la sameeyay ama la helay iyada oo la raacayo sharciga ama xeerarka, ama la xiriira hawlaha rasmiga ah ee ay fuliso hay'ad kasta” sida lagu xusay buugga (Florida Department of State, 2010) Electronic Records and Records Management Practices.

Noocyada Caddaymaha Diiwaanka Elektarooniga.

Caddaymaha Diiwaanka Elektarooniga ah ee la isticmaalo waxaa lagu kala saari karaa iyada oo loo eegayo ujeedka, qaabka, iyo isticmaalka. Intaan baarista waday waxaan soo aruuriyay noocyada ugu waaweyn ee diiwaannada elektarooniga ah oo kala ah:

- A. Diiwaanka Maamulka (Administrative Records): Diiwaannada loo isticmaalo maamulka hawlaha hay'adda, sida jadwalada shaqaalaha, qorsheynta, miisaaniyadda, iyo warbixinada maamulka.
- B. Diiwaanka Caafimaadka Elektarooniga ah (Electronic Health Record - EHR): Xogta bukaanka oo si elektarooni ah loo kaydiyo, sida taariikhda, caafimaadka, natiijooyinka baaritaanada, iyo warbixinada dhakhaatiirta oo qoraal iyo cajaladba ah.
- C. Diiwaanka Maaliyadeed (Financial Records): Xogta maaliyadeed ee lagu kaydiyo nidaamyada elektarooni ah, sida xisaabaadka bangiyada, qaansheegyada, iyo diiwaanada lacageed ee shirkadaha.
- D. Diiwaanka Codbixinta Elektarooniga ah (Electronic Voting Records): Nidaamyada lagu kaydiyo macluumaadka codbixinta ee doorashooyinka lagu qabto si elektarooni ah.
- E. Diiwaanka Sharci (Legal Electronic Records): Dukumiintiyada sharci ee lagu keydiyo nidaamyada elektarooniga ah sida xogta eedaysanaha iyo dhibanaha, maamulka kiisaska, caddaymaha elektarooniga ah, iyo heshiisyada sharci.
- F. Diiwaanka Fariimaha Elektarooniga ah (Electronic Communication Records): Diiwaanada fariimaha la isku dhaafsado hababka isgaarsiinta elektarooniga ah, sida emaylada, fariimaha qoraalka ah, iyo qoraalada baraha bulshada.
- G. Diiwaanka Ganacsiga Elektarooniga ah (Business Records): Keydinta heshiisyada ganacsiga, warbixinada shaqaalaha, iyo xogta macaamiisha.
- H. Diiwaanka Amniga (Security Records): Sawirrada iyo muuqaalada lagu keydiyo kamaradaha CCTV, nidaamyada la socodka amniga, iyo duubista codka.

Muhiimadda Caddaymaha Diiwaanka Elektarooniga;

Buugga (Florida Department of State, 2010) "Electronic Records and Records Management Practices" waxa uu ka hadlayaa muhiimadda diiwaanka elektarooniga ah. Halkan waxaa ku xusan dhowr qodob oo muhiim ah oo buugga lagu soo bandhigay:

- 1- Kaydinta Hufan iyo Waxtar Badan: diiwaannada elektarooniga ah waxa ay ka waxtar badan yihiin kuwa warqadaha, maadaama ay yareeyaan baahida loo qabo meelaha kaydinta tooska ah (physical storage), sidaas oo kale waxaa fudud in xogta ku kaydsan laga heli karo meel kasta oo koronto iyo internet ka jiro.
- 2- Hufnaanta Helitaanka: Diiwaannada elektarooniga ah waxa uu fududaanayaan helitaanka xogta si sahlan, taasoo sare u qaadda hufnaanta shaqooyinka hay'adaha Dawladda, kuwada aan dowligaha ahayn, ganacsiyada iwm.
- 3- Yaraynta Kharashaadka: Diiwaannada elektarooniga ah waxa uu yareeya kharashaadka ku baxa daabacaadda, kaydinta, iyo raadinta xogta marka loo barbar dhigo diiwaannada warqadda ku qoran.

- 4- Ilaalinta Amniga Xogta: Diiwaanka elektarooniga ah waxa uu awood u leeyahay in xogta lagu ilaaliyo hab adag sida nidaamka (encryption) iyo nidaamyo kale oo casri ah oo ka hortaga in xogta si khaldan loo isticmaalo ama loo xado.
- 5- Xogta oo Si Wanaagsan Loo Maamulo: Diiwaanka elektarooniga ah waxa uu fududaynayaa in xogta loo kala saaro iyada oo loo eegayo waqtiga, muhiimadda, iyo mudnaanta, taasoo qeyb wayn ka qaadata garsoorka casriga ah.
- 6- Raadraaca iyo Xog-Ururinta: Diiwaanka elektarooniga ah waxa uu fududeeya raadraaca xogta iyo isbeddelada lagu sameeyay, taasoo muhiim u ah dabagalka hay'adaha baarista iyo kuwa sharciga.

Caddaymaha diiwaanka elektarooniga ah waxa ay kaalin muhiim ah ka ciyaarayaan nidaamka casriga ah ee maamulka xogta iyo soo bandhigida caddaymaha, waxa ay bixiyaan habab waxtar leh oo lagu keydiyo, lagu helo, laguna xaqiijiyo xogta, iyagoo meesha ka saaraya caqabadihii ay lahaayeen diiwaannadii caadiga ahaa ee warqadda ku saleysnaa. Tiknoolajiyada casriga ah waxa ay xaqiijisay in diiwaannada elektarooniga ah ay noqdaan kuwo si fudud loo heli karo, ammaan ah, oo sax ah waxtar wayna uleh garsroonka casriga ah.

Nooca Todobaad: Caddaynta Saxiixa elegerooniga.

Hordhac:

Saxiixa elektarooniga ah waa mid ka mid ah aaladaha casriga ah ee muhiimka ah ee loo adeegsado heshiisyada sharci, ganacsiga elektarooniga ah, iyo nidaamyada cadaaladda. Saxiixa elektarooniga ah waxa uu noqday qeyb muhiim ah oo lagu xaqiijiyo aqoonsiga dhinacyada, lagu taageero sharciyeynta dukumiintiyada, laguna caddeeyo in dhinacyadu ku heshiiyeen shuruudo gaar ah. Isticmaalka saxiixyada elektarooniga ah waxa uu ka jawaabayaa baahida loo qabo nidaamyo degdeg ah oo lagu xaqiijiyo heshiisyada, gaar ahaan xilligan oo isgaarsiinta iyo ganacsiga si weyn ugu tiirsan yihiin tiknoolajiyada.

Qeexitaano:

Saxiixa elektarooniga ah, oo badanaa loo yaqaan **e-signature**, waa hab dhijitaal ah oo muujinaya ujeeddada qofka si uu u ansixiyo ama u aqoonsado dukumiinti, heshiis, ama qandaraas, waxa uu badalay habkii caadiga ahaa ee saxiixa gacanta, taasoo u suurto galinaysa dadka inay saxiixaan oo gudbiyaan dukumiintiyada iyagoo meel kasta ku sugan.

Marka aan fiirino qeexitaanada ay siinayaa buugaaga kala duwan Muuqaalka elegterooniga ah waxa aan soo qaadan karnaa:

"Macluumaad elektarooni ah oo loo adeegsado inay tahay beddelka saxiixa gacanta, kaas oo muujinaya aqbalaadda ama ansixinta dhinaca saxiixaya" sida xusay buugga (Mason, Electronic Signatures in Law, 2016) Electronic Signatures in Law.

"Xog elektarooni ah oo lagu daray ama si macquul ah loola xiriiriyay macaamil elektarooni ah, loona isticmaalo si loo caddeeyo aqoonsiga saxiixaha iyo oggolaanshihiisa macaamilka elektarooniga ah, iyo in la ogaado isbeddel kasta oo lagu sameeyo macaamilka kaddib saxiixa" sida lagu xusay buugga (الإثبات (الخالدي، 2024) بالدليل الرقمي وتطبيقاته القضائية.

Muhiimadda Caddaynta Saxiixa Elektarooniga;

Caddaynta saxiixa elektarooniga ah waxa ay muhiimad weyn u leedahay nidaamyada sharci iyo ganacsi ee casriga ah, waana aalad lagama maarmaan ah oo lagu xaqiijiyo aqoonsiga qofka saxiixaya iyo oggolaanshaha macluumaadka ku jira dukumiintiyada elektarooniga ah. Halkan waxaa ku xusan dhowr qodob oo muhiimad leh oo la xiriira saxiixa elektarooniga ah oo aan kasoo aruuriyay macluumaad kala duwan oo la xiriira mowduuca, maadama aanan helin buug si toos ah looga soo xigan karo:

- 1- Caddaynta saxiixa elektarooniga ah waxa ay xaqiijisaa in saxiixaha uu yahay qofka rasmiga ah ee oggolaaday ama ansixiyay dukumiintiga, waxaana lagu xaqiijiya iyada oo la adeegsanayo habab tiknoolaji dhijitaala oo casri ah ee loo yaqaano (digital encryption).
- 2- Saxiixyada elektarooniga ah waxa ay si weyn u fududeeyaan howlo badan oo sharciga iyo ganacsiga ah, dukumiintiyo badan ayaa si dhaqso leh loo saxiixi karaa, loona gudbin karaa meel kasta oo caalamka ah iyada oo aan loo baahnayn waqti dheer.
- 3- Caddaynta saxiixa elektarooniga ah waxa ay qeyb wayn ka qaadata ilaalinta xogta iyo dukumiintiyada, tiknoolajiyada cryptography waxa ay ka hortagtaa isku day kasta oo lagu beddeli karo ama lagu been abuuri karo dukumiintiga ka dib marka la saxiixo, arrintaas oo qeyb wayn ka qaadata soo bandhigid caddayn la hubo.
- 4- Marka ay soo baxaan muranno ku saabsan dukumiinti ama heshiis, caddaynta saxiixa elektarooniga ah waxa ay bixisaa raad cad oo muujinaya cidda saxiixday, goorta la saxiixay, iyo macluumaadka la oggolaaday, tani waxa ay muhiim u tahay kala saaridda khilaafaadka sharci.
- 5- Saxiixyada elektarooniga ah waxa ay hoos u dhigaan isticmaalka warqadaha iyo kharashaadka la xiriira boostada ama safarka, waxa ay sidaas oo kale qeyb weyn

ka qaataan in hay'adaha garsoorka ay macluumaad la hubo ka helaan hay'ado kale ama shirkadu ganacsi oo wadankale jooga.

Caddaymaha saxiixyada elektarooniga ah waa tiir muhiim ah oo ka caawiya nidaamyada sharci iyo ganacsi inay noqdaan kuwo hufan oo casri ah, waxa ayna bixiyaan hab fudud oo lagu xaqiijiyo ansaxnimada iyo asalnimada dukumiintiyada iyada oo la ilaalinayo sharciga. Si kastaba ha ahaatee, waxaa muhiim ah in la hubiyo in nidaamyada loo adeegsado saxiixyada elektarooniga ah ay leeyihiin farsamooyin ammaan ah oo lagu ilaalinayo xogta, iyada oo la waafajinayo sharciyada maxalliga ah hadii ay jiraan iyo kuwa caalamiga ah.

Ugudambayntii, caddaymaha elektarooniga ah waxa ay kaalin weyn ka qaateen horumarrinta garsoor casriga ah, iyagoo fududeeyay ururinta iyo soo bandhigista caddaymaha. Marwalbe oo tiknoolajiyadu sii kororto, muhiimadda caddaymaha elektarooniga ah way sii kordhi doontaa, taasoo u baahan doonta in si joogto ah loo horumariyo nidaamyada sharci iyo farsamo ee lagu maareeyo, arrintaasi waxa ay xaqiijinaysaa in caddaymaha elektarooniga ah ay sii ahaadaan kuwo la isku halleyn karo oo waafaqsan sharciga.

Cutubka Saddexaad: Muhiimadda Caddeymaha Elektarooniga

Hordhac:

Caddaymaha elektaroonigga ah waxa ay muhiim u yihiin baarista dembiyada casriga ah, maadaama ay bixiyaan xog iyo faahfaahin ballaaran oo ku saabsan falka dhacay, ujeedada ka dambeysa, xiriirada iyo dhaqdhaqaaqa dadka lagu tuhunsan yahay falkaas. Inta badan, caddaymahaan waxaa laga soo saraa qalabyo kala duwan oo elektaroonig ah, sida kombiyuutarrada, telefoonnada gacanta, kamaradaha iyo aaladaha kale oo dhijitaalka ah. Dhijitaal Foreensiga (Digital Forensics) oo ka mid ah baaritaannada ku saleysan cilmiga foreensig sayniska, ayaa ah qeybta qaabilsan soo saarista, baarista iyo fasiraadda xogta qalabkaas, iyada oo la hubinayo in xogtaasi u qalanto in loo adeegsado dacwad oogis iyo horgaynta maxkamadda.

Caddaymaha elektaroonigga ah waxa ay door muhiim ka qaataan baarista iyo xallinta kiisaska dembiyada, iyagoo kaalin weyn ku leh helitaanka iyo caddaynta cidda geysatay fal-dembiyeedka. Caddaymahaan waxa ay xog muhiim ah ka bixin karaan dhaqdhaqaaqayada, xiiriirada iyo falalka qofka loo shakisan yahay kiiska la

baarayo. Tusaale ahaan, xog laga soo saaray telefoonka gacanta ee qofka la tuhunsan yahay ayaa muujin karta goobta uu joogay, dadka uu la falgalay ama caddayn ka bixisa abaabulka dembigaas.

Maadaama maanta qalabka dhijitaalka ah si baahsan loogu tiirsan yahay, waxa ay keentay in caddaymaha elektaroonigga ah ay udub-dhexaad u noqdaan hagidda iyo dhamaystirka baarista dembiyada noocyadooda kala duwan. Tan waxa ay caddayneysaa in caddayamha elektarooniga ah aysan ku koobnayn oo kaliya dembiyada Internet-ka, sida xatooyada kaararka bangiyada ama falalka kale ee la xiriira ganacsiga Internet-ka, balse ay sidaas oo kale khuseeyaan dhammaan dembiyada guud ahaan.

Waxaan kasoo qaadan karnaa dhawr qodob oo ku tusinaya Muhiimada ay leeyihiin Caddaymaha Elektarooniga ah oo ah;

1. **Xaqiijinta iyo La-dagaallanka Dembiyada:** waxa ay door weyn ka ciyaaraan baaritaanka dembiyada casriga ah sida: Dembiyada Internetka (Cybercrime), xatooyada internetka, khiyaanada lacagaha, iyo weerarrada hacking'ka ah, kufsiga iyo dilalka, sawirrada iyo xogta GPS ayaa loo adeegsan karaa in lagu xaqiijiyo goobta iyo wakhtiga ficilka dembiga dhacay. Farriimaha codka, qoraalka, iyo diiwaanka wicitaanada ayaa laga heli karaa xog muhiim ah oo argagixisada la xiriirta. Xaqiijinta iyo La-dagaallanka Dembiyada waxaan kasoo qaadan karnaa dhawr qodob oo uu xusay buugga (Britz, 2019) Cybercrime and Digital Forensics: An Introduction oo kala ah;
 - A. Helitaanka xog dhamaystiran: Caddaymaha elektarooniga ah waxa ay gacan ka geystaan helidda xog sax ah oo ku saabsan dhacdooyinka dembi, sida farriimaha, wicitaannada, iyo raadadka dijitaalka ah ee la heli karo nidaamyada elektarooniga ah.
 - B. Sugnaanshaha xogta: Waxa ay sahashaa in la xaqiijiyo cidda asalka u ahayd ficilka (aqoonsiga qoraaga ama isticmaalaha).
 - C. Caddaymaha oo lawaayo oo halis ku ah cadaaladda: Iyada oo ay caddaymaha elektarooni ah muhiim u yihiin caddaynta dembiga hadii aan lahelin , Baaraha, Xeer Ilaaliyaha iyo Maxkamadaba waxa ay la kulmi karaan dhibaatooyin ay

ka mid yihiin ku tiirsanaanta caddeymo aan dhameystirnayn, islam markaana waxa ay keentaa in lagu guuldareysto in la xaqiijiyo xiriirka u dhexeeya dambiilaha iyo falalka dhacay.

- D. La-dagaallanka Dembiyada Elektarooniga ah: Caddeymaha elektarooniga ah waxa ay muhiim u yihiin baaritaannada lagu ogaado weerarada internetka ee laga fuliyay nidaamyo kale, sida phishing, hacking, iyo malware, sidaas oo kale waxa ay taageertaa baaritaannada caalamiga ah si loo la socdo dembiilayaasha isticmaala internet-ka ee xuduudaha ka gudba.
 - E. Xogta iyo Raadadka Dhijitaalka ah: Caddeymaha elektarooniga ah sida farriimaha mobilka, xogta IP-ga, iyo baraha bulshada waxa ay bixiyaan raadad si gaar ah loo daba galo si loo aqoonsado dadka dambiga sameeyay.
2. **Hirgelinta iyo Fududaynta Cadaaladda:** Cadaymaha Elektarooniga ah waxa ay bixiyaan caddeyn la hubo oo looga hortagi karo inuu qof aan dembi gelin lagu eedeeyo, sidaa darteed cadaymaha elektarooniga ah waxa ay sare u qaadaan kalsoonida bulshada ee nidaamka cadaaladda, waxaana kamid ah arimaha sare u qaada dhowr qodob oo lagu xusay buugga (Casey, Digital Evidence and Computer Crime: Forensic Science, Computers, and the Internet, 2011);
- A. Hufnaanta iyo degdegga xallinta kiisaska: Caddaymaha elektarooniga ah sida farriimaha email'da, xogta ku jirta qalabka elektarooniga ah (computers, smartphones), iyo xogta ka timaada kaamirooyinka CCTV, waxa ay si fudud oo degdeg ah u hagaan baarayaasha, xeer ilaaliyaasha iyo garsoorayaasha, tani waxa ay yareyn kartaa waqti badan oo lumi karay oo sabab u noqda dib-u-dhac ku yimaada kiisaska.
 - B. Yareynta khaladaadka iyo wax-is-daba-marrinta: Xogta elektarooniga ah waa mid badanaa si toos ah loo keydiyo, taasoo yaraysa halista been-abuurka ama wax-ka-beddelka, mar haddii la heli karo qalabyo farsamo oo loo adeegsan karo xaqiijinta saxnaanta xogtaas, waxa ay sare u qaadaysaa kalsoonida ku aaddan hannaanka cadaaladda.
 - C. Helitaanka caddayn aan horey loo heli jirin: Xogta elektarooniga ah waxa ay si gaar ah ugu habboon tahay kiisaska casriga ah sida kuwa la xiriira dembiyada internetka, musuqmaasuqa, kufsiga iyo falalka argagixisada, waxa ay awood u siinaysaa baaraha iyo xeer ilaaliyaha in ay soo bandhigaan cadaymo aan macquul noqon lahayn in lagu soo bandhigo hababka aan elektarooniga ahayn.
3. **Xoojinta iyo Xaqiijinta Baaritaanada Sharciyeed:** Cadaymaha Elektarooniga ah waxa ay bixiyaan macluumaad sax ah oo ku saabsan dhacdooyinka lagu muransan yahay, taasi waxa ay yareysaa ku tiirsanaanta caddeymaha aan tooska ahayn (circumstantial evidence) oo inta badan adag in lagu caddeeyo dembiilaha dambiga uu galay, waxaana kamid ah arimahaan

dhowr arrimood oo lagu xusay buugga (Clancy, 2022) Cyber Crime and Digital Evidence: Materials and Cases ;

- A. Hubinta saxnaanta iyo kalsoonida caddaymaha: Caddaymaha elektarooniga ah sida xogta laga helo qalabka GPS, xogta isgaarsiinta teleefoonka, iyo xogaha kaamirooyinka CCTV, waxa ay awood u leeyihiin in ay si dhab ah u muujiyaan dhacdooyinka meelaha ay ka dheceen iyo waqtiyada ay dheceen, tani waxa ay sare u qaadaysaa kalsoonida lagu qabo baaritaanka sharciga.
- B. Yareynta eexda iyo khaladaadka bini'aadamka: Xogta elektarooniga ah waa mid badanaa aan wax laga badali Karrin hadii xitaa labadalana ay jiraan qalab lagu ogaado in wax laga badalay, taasoo ka dhigaysa mid adag in lagu xadgudbo ama lagu sameeyo eex iyo qof jeclaysi, arrintaas waxa ay yareynaysaa halista khaladaadka kutala galka aha ama aan ahayn ama siyaasadeynta caddaymaha.
- C. Koobnanta wakhtiga falanqaynta: Xogta elektarooniga ah waxaa si degdeg ah loogu falanqeyn karaa aaladaha tiknoolojiyada casriga ah, taasoo yareyneysa wakhtiga lagu bixinayo falanqaynta, qalabka forensiga ah ee lagu falanqeeyo xogta dhijitaalka ah waxa uu sahlayaa in si degdeg ah looga jawaabo su'aalo muhiim ah oo ay adag tahay in si caadi ah looga jawaabo.
- D. Ku habboonaanta dambiyada cusub: Marka la baarayo dambiyada cusub ama kuwa internetka, sida weerarada loo geysto xogaha kaydsan (cyberattacks), caddaymaha elektarooniga ah waa kuwo lama huraan u ah baarista kiiska, waxa ay soo bandhigaan shabakada la jabsaday iyo dambiilayaasha ku lugta leh falalkaas.
- E. Sugidda Cadaaladda: Caddeymaha elektarooniga ah waxa ay kalsooni iyo awood u siiyaan Xeer Ilaaliyaha iyo Garsooraha inay qaataan go'aanno cadaalad ah oo ku saleysan xog cad oo sax ah, islam markaana waxa ay yareeyaan khilaafaadka dhex mara dacwad-oogayaasha iyo qareennada, maadaama xogta elektarooniga ah inta badan tahay mid si buuxda loo xaqiijin karo loona hubin karo saxnaanteed.
- F. Farsamada Forensiga Dijitaalka ah: Farsamada forensce'ga dhijitaalka ah waxa ay door muhiim ah ka ciyaartaa nidaamka cadaaladda casriga ah, aa hab sharci iyo farsamo ku saleysan oo loo adeegsado uruurinta, ilaalinta, falanqaynta, iyo soo bandhigista caddaymaha elektarooniga ah ee ku lug leh kiisaska ciqaabta, madaniga ah, iyo kuwa maamulka ah, farsamadan waxa ay muhiim u tahay sidii loo xaqiijin lahaa saxnaanta iyo hufnaanta baaritaanada kiisaska, waxaana kamid ah arimaha ay xaqiijiso dhowr arrimood oo lagu sheegay buugga (Bill Nelson, 2004) Guide to Computer Forensics and Investigations;

- A. Aqoonsiga caddaymaha dhijitaalka ah; Forensiga dhijitaalka ah waxa uu awood u siinayaa baarayaasha inay aqoonsadaan ilaha xogta ay katimi, sida kombiyuutarada, taleefannada gacanta, server-yada, iyo aaladaha kale ee dijitaalka ah.
- B. Ilaalinta caddaymaha; Ilaalinta xogta asalka ah waa arrin muhiim ah oo lagu hubiyo in xogta aan wax isbeddel ah lagu sameyn, farsamooyinka forence'ga ah ee la adeegsado ayaa waxaa kamid ah "write-blocking" si xogta loogu akhriyo looguna falanqeeyo iyada oo aan la beddelin.
- C. Falanqaynta xogta; Forence'ga dhijitaalka ah waxa uu door muhiim ah ka qaata falanqaynta xogta si looga soo saaro macluumaad qiimo leh oo cadayn ahaan loo adeegsan karo, ayada oo la isticmaalayo qalabyo casri ah oo sida saxda ah u falanqeyn kara xog culus ama xog la tirtiray.
- D. Soo bandhigista caddaymaha; Natijada baaritaanka forence'ga marka lasoo bandhigayo oo waliba khabiir arimaha forence'ga aqoon uleh soo bandhigayo uuna raacayo shuruucda u dagan, waxa ay u suurta galinaysa Xeer Ilaaliya iyo Garsooraha in ay si sahlan u fahmaan xogta ku jirta Forence'ga ayna qaataan go'aano sax ah oo caddaalad.
- E. Yareynta khaladaadka; Farsamada forensiga waxa ay yaraysaa isla markaana xaqiijisaa in baaritaanka uu yahay mid lagu kalsoonaan karo, taasoo yareneysa khaladaadka lagu sameeyo baarista kiisaska, waxa ay sidaas oo kale ka hortagtaa in caddaymo la been-abuurto ama la baa'biyo.

Cutubka Afraad: Caqabadaha Caddeynta Elektarooniga

Hordhac:

Xilligaan casriga ah ee digitalka ah, caddeynta elektarooniga ah waxa ay door weyn ka qaadataa kiisaska Cigaabta iyo kuwa Madaniga ah, maxaayeelay waxaa korodhaya nidaamyada kombuyuutarada, mobilada, iyo internetka. Qoraalkani waxa uu muujinayaa caqabadaha ugu waaweyn ee ay la kulmaan hay'adaha ammaanka, xirfadlayaasha sharciga, baarayaasha, Xeer Ilaaliyaasha iyo maxkamadaha oo ku saabsan maaraynta, xaqiijinta iyo soo bandhigidda caddeynta elektarooniga ah ee dacwadaha. Awoodda loo leeyahay in la beddelo caddeynta, dhibaatooyinka ka imanaya falanqaynta xogta iyo isbeddelka joogtada ah ee tiknoolajiyada ayaa ka dhigaya caddeynta elektarooniga ah in ay u nuglanaato in la dhibaateeyo nidaamka sharciga ah.

Caqabada la xiriira Cadaynta Elektarooniga ah waa kuwa badan balse waxaan kasoo qaadan doona kuwa ugu waawayn aniga oo si kooban oo suurtagal ah in la fahmo usoo bandhigaya:

- A. **Isbeddelka iyo Fudeydka Xogta:** Hormarka degdega ah ee teknoolajiyada waxa uu keenay in Caddeynta elektarooniga ah si sahlan loo beddeli karo ama loo tirtiri karo, mar walbana waxaa soo kordha farsamooyin cusub oo sahlaya in xogta kaydsan ama Internetka ku jirta wax laga badalo ama la cusboonaysiiyo, Dembiilayaasha badanaa waxa ay isticmaalaan farsamooyin qarsoon iyo sirta xogta si ay u adkeeyaan in lahelu raadkooda, taasoo keenta su'aalo ku saabsan saxnimada iyo kalsoonida xogta la soo ururiyey, caqabadaha arrintaas lagala kulmi karo sida lagu sheegay buugga (Stephen Mason and Daniel Seng, 2021) *Electronic Evidence and Electronic Signatures* waxaa kamid ah;
- B. **Wax-ka-beddelid Sahlan (Ease of Modification):** Xogta elektarooniga ah sida Email, faylasha iyo dukumiintiyada waxaa si sahlan loogu wax ka beddeli karaa qalab ama software fudud, taas oo keenta shaki ku saabsan saxnaanta iyo kalsoonida xogta.
- C. **Lumista Fudud (Fragility of Data):** Marka xogta elektarooniga ah lagu kaydiyo qalab sida USB, disk, ama hard drive, waxa ay si fudud u lumi kartaa haddii qalabkaas uu waxyeelloobo ama asagoo dhanba lawaayo.
- D. **Amni La'aanta (Lack of Security):** Fudeydka lagu xado ama lagu waxyeelleeyo xogta sababtoo ah weerarro dhinaca internetka ah sida hacking ama malware ayaa halis weyn ku ah ilaalinta xogta.
- E. **Metadata iyo Raadka Dijitaalka ah:** Metadata (macluumaadka ku saabsan xogta lafteeda, sida taariikhda la abuuray ama qofka abuuray) waa mid muhiim ah si loo xaqiijiyo saxnaanta cadaymaha, si fudud ayaa loo tirtiri karaa ama loo been abuuri karaa.

1. **Hababka Qarsoon ee Dembiyada:** marka laga hadlayo cadaymaha elektarooniga ah waxaa loola jeeda sida ay dhib u tahay in la ogaado, la ururiyo, loona xaqiijiyo cadaymaha la xiriira dembiyada lagu fulinayo hababka qarsoon, hababkan ayaa inta badan dambiyada lagu galaa caalamka dhijitaalka ah, waxaana jira dhawr hab oo dambiilayaasha ay adeegsadaan sida lagu xusay buugga (Bill Nelson, Amelia Phillips, Christopher Steuart, 2018) *Guide to Computer Forensics and Investigations* oo ay kamid yihiin:

A. Isticmaalka Hababka Isgaarsiinta ee Qarsoon: Dembiileyaashu waxa ay adeegsadaan teknoolajiyada casriga ah oo usahlaysa in ay kuwada xiriiran si qarsoodi ah, sida:

- **Apps-ka isgaarsiinta ee sirta daboolan (end-to-end encryption)** sida Signal iyo WhatsApp.

- Adeegyada "dark web" ama mareegaha qarsoon ee ku salaysan teknolojiyadda Tor.
- Adeegsiga Appka VPN-ka si loo qariyo goobta dhabta ah ee qofka ku sugan yahay.

B. Qarrinta cinwaannada IP-ga: Dembileyaasha waxa ay isticmaalaan farsamooyin u fududeynaya inay is qariyaan, sida:

- Adeegsiga serverro kale (proxies) ama shabakadda Tor si loo qariyo cinwaannadooda IP-ga.
- Isticmaalka adeegyada VPN si loo qariyo goobtooda dhabta ah.

C. Isticmaalka Sirta (Encryption): Dembileyaashu waxa ay adeegsadaan hababka sirta xogta si aan si qalabkooda dijitaalka ah. Sirtaasi waxa ay ku dhici kartaa:

- Faylasha la xiray (encrypted files).
- Qalabka sida "smartphones" oo leh nidaam difaac adag.
- Aaladaha kaydinta xogta oo Lambar sir ah ku xidhan.

D. Masaxida “Tirtirka” Xogta iyo Farsamooyinka Soo Celinta: Dembileyaasha elektaroonigga ah waxa ay isticmaalaan habab ay xogtooda uga masaxaan qalabka, sida:

- Isticmaalka barnaamijyo gaar ah oo lagu tirtiro xogta si aan dib loo soo celin karrin.
- Burburinta qalabka ay ku kaydsantahay xogta si loo baabi'yo raadadka.

E. Mugdi-gelinta Raadadka Dhijitaalka ah (Data Spoofing): Dembileyaashu waxa ay abuuri karaan raad been abuur ah (spoofed data) si ay u jahawareeriyaan ama u dhumiyaan raadadka saxda ah, taas oo caqabad weyn ku ah baaritaanka.

Caqabadaha hababka qarsoon waa kuwo sii kordhaya iyada oo tiknoolojiyaduna sii horumarayso, taasoo u baahan in si joogto ah loo hormariyo xeeladaha baarista iyo sharci dejinta.

2. **Hababka Ururinta Caddeynta:** waa tallaabooyinka lagu helo, lagu kaydiyo, laguna baaro xogta elektaroonigga ah si sharci ahaan loogu adeegsado maxkamadda, si kastaba ha ahaatee, habkan waxa uu leeyahay caqabado dhowr

ah oo la xiriira farsamooyinka, sharciga, iyo dhaqanka, caqabadihiisa waxaa kamid ah sida lagu sheegay buugga (Bill Nelson, Amelia Phillips, Christopher Steuart, 2018) Guide to Computer Forensics and Investigations:

A. Ilaalinta Raadadka Dijitaalka ah (Preservation of Digital Evidence);

- Raadadka dijitaalka ah waa kuwo aad ugu nugul masaxid, wax-ka-bedel, ama burburid sababtoo ah waxa ay ku saleysan yihiin xog elektaroonig ah oo fudud in la burburiyo.
- Tusaale ahaan, haddii aaladda la damiyo ama dib loogu hawlgeliyo si khaldan, xogta qaar ayaa si buuxda loo waayi karaa.

B. Ku Xadgudubka Xuquuqda iyo Xeerarka Sharciyadeed (Privacy and Legal Compliance);

- Baarayaasha waa inay hubiyaan in xogta la ururinayo loo helay si sharci ah, iyada oo aan lagu xadgudbin xuquuqda qofka ama Sharciga.
- Helidda ruqsad maxkamadeed ama ogolaansho ayaa qaadan kara waqti dheer, taas oo caqabad ku noqota baaritaanka degdegga ah.

C. Hababka Lagu Helo Xog Kala Duwan (Diverse Sources of Evidence); cadeymaha elektarooniga ah waxa ay ka imaan karaan ilo kala duwan sida:

- Kombiyuutarka, Taleefannada casriga ah iyo Aaladaha IoT (Internet of Things).
- Isku dayga in dhammaan ilahaas la iskula akhriyo oo la isugu keeno si sax ah waa mid aad u dhib badan, maadaama farsamooyinkaas ay u baahan yihiin aqoon gaar ah.

D. Xogta Aadka u Badan (Volume of Data);

- Aaladaha elektarooniga ah waxa ay hayaan malaayiin xog ah, waxaa adkaanaysa in lakala saaro xogta muhiimka ah iyo midda aan micnaha lahayn.
- Tusaale: Email-yada, sawirrada, iyo faylalka kale ee xad-dhaafka ah oo ay adag tahay in si dhakhso ah loo kala saaro.

E. Raad Beenta ah (False Leads);

- Qaar ka mid ah xogta elektaroonigga ah waa la been-abuuray si loo jahawareeriyo ama loo qariyo caddeymaha dhabta ah.

- Tani waxa ay caqabad ku noqotaa aqoonsashada xogta saxda ah.

F. Isku-dhafka Xogta iyo Sirta (Data Integrity and Chain of Custody);

Waxaa muhiim ah in si sharci ah loo xaqiijiyo in xogta aan wax laga beddelin tan iyo markii la helay ilaa maxkamad laga gaynayo, hadii uu shaki yar ku yimaado xogta waxa ay keenaysan in gabi ahaanba la iska tuuro oo waxkama jiraan laga dhigo.

3. Caqabadda Kartida Farsamo ee Loo Baahan Yahay ee Cadeymaha

Elektarooniga ah: marka laga hadlayo cadeymaha elektarooniga ah waxa ay la xiriirtaa heerka aqoonta iyo xirfadaha farsamo ee looga baahan yahay baarayaasha si ay si sax ah u helaan, u kaydiyaan, u falanqeeyaan, oo ugu isticmaalaan cadeymaha elektarooniga ah Xeer Ilaalinta iyo Maxkamadaha, qodobkaan waa mid muhiim ah maadaama tiknoolojiyada casriga ah ay si degdeg ah u horumareyso, taas oo sababaysa caqabado badan oo farsamo ah sida lagu sheegay buugga (Casey, Digital Evidence and Computer Crime, 2011):

A. Tiknoolojiyada Isbeddelaysa (Rapid Technological Changes);

- Tiknoolojiyada iyo aaladaha farsamo waxaa si joogto ah ugu dhaca isbeddelo cusub, taas oo macnaheedu yahay in baarayaashu u baahan yihiin inay si joogto ah u bartaan hababka cusub ee xog ururinta iyo falanqaynta.
- Tusaale ahaan, teknoolojiyado cusub sida blockchain, cloud storage, iyo aaladaha IoT waxa ay keeneen caqabado cusub oo ku saabsan helitaanka cadeymaha.

B. Qalab iyo Software Gaar ah oo Loo Baahan Yahay;

- Ururinta cadeymaha elektarooniga ah waxa ay u baahan tahay qalab gaar ah sida disk imagers, sniffers network, iyo software loogu talagalay forensiga dijitaalka ah.
- Helitaanka qalabkan ayaa noqon kara mid qaali ah, gaar ahaan haddii hay'adaha baaritaanka aysan heli karrin miisaaniyad ku filan, taas oo caqabad ku noqonaysa in la helo qalabka loo baahanyahay.

C. Fahamka Nidaamyada Hawlgalka iyo Shabakadaha (Operating Systems and Networks);

- Baarayaasha, Xeer Ilaaliyaasha iyo Garsoorayaasha waa inay fahmaan nidaamyada kala duwan ee hawlgalka sida Windows, macOS, Linux, iyo nidaamyada shabakadaha si ay si sax ah u helaan ama u fahmaan raadadka dijitaalka ah.

- Tusaale ahaan, raadinta raadadka log files ee nidaamka Linux waxa ay u baahan tahay xirfad gaar ah oo aan cid walbe aqoon u lahayn.

D. Caqabadaha Ku Saabsan Barnaamijyada iyo Aalada Isku Dhafan (Complex Systems);

- Aaladaha isku dhafan sida IoT (Internet of Things) waxa ay abuureen caqabado badan oo farsamo ah, maadaama aaladaha noocaan ahi aysan lahayn hal nidaam hawlgal oo fudud.
- Tusaale ahaan, helitaanka xog ka socota aaladaha IoT (e.g., cameras, smart

E. Helitaanka Xog Tirtiran ama Wax Laga Bedelay (Deleted or Altered Data);

- Baarayaasha waa inay awoodaan inay dib u helaan xog tirtiran ama beddelan iyada oo la adeegsanayo qalab iyo software forensik ah, laakiin tani waxa ay u baahan tahay xirfad aad u qoto dheer oo hadii aysan ku tababarnayn keenaysa in xoga badan oo muhiim ah sidaas lagu waayo..

F. Dhibaatooyinka Raad Beenta ah (False Leads);

- Dembileyaashu waxa ay abuuraan raad beenta ah si ay u jahawareeriyaan baarayaasha, taas oo u baahan xirfad sare si loo kala saaro caddeynta saxda ah iyo mida aan sax ahayn.

4. Kala-duwanaanshaha Nidaamyada Kaydinta Xogta; waxa ay ka mid tahay arrimaha ugu waaweyn ee ka hor yimaada isticmaalka iyo aqbalidda cadaymahaas maxkamadaha hortooda, arrintan waxaa sabab u ah nidaamyada kala duwan ee lagu kaydiyo xogta oo aan hal heer ama hal qaab isku mid ah lahayn, nidaamyadaas waxaa ka mid ah sida lagu sheegay buugga (Rice, 2005) *Electronic Evidence: Law and Practice*:

A. Kala-duwanaanta Farsamooyinka Kaydinta;

Nidaamyada xogta elektarooniga ah ee kala duwan ayaa isticmaala farsamooyin iyo qaabab kala duwan, sida softiweero gaar ah, nidaamyada hawlgalka (Operating Systems), iyo noocyada faylasha loo kaydiyo sida (PDF, DOCX, XLSX), Baarayaasha, Xeer Ilaalinta iyo Maxkamaduhu waxa ay la kulmaan caqabado ay ka mid yihiin in xogta loo akhriyi waayo sababo farsamo awgood.

B. Iswaafajinta Nidaamyada (Interoperability);

Nidaamyada kaydinta xogta ee hay'adaha ama shirkadaha kala duwan ma

wada laha farsamo si fudud ay iskugu xirmaan ama maba isku xirnaba, tani waxa ay keentaa dhibaato marka xog laga soo gudbinayo nidaam mid ah si loo isticmaalo nidaam kale.

C. Isbeddelka Tiknoolajiyadda (Technological Obsolescence);

Nidaamyada kaydinta xogta qaarkood si dhaqsa ah bay u doogoobaan, taas oo ka dhigaysa in xog hore loo kaydiyay lawaayo ama aan si sahlan loogu soo saari Karrin oo ay u baahato farsamo dheeri ah.

D. Nidaamyada Meel Fog Ku Kaydsan (Cloud Storage);

Marka xogta lagu kaydiyo nidaamyo yaala meel kabaxsan meesha lagu shaqaynayo sida hawada ama wadan kale, waxa ay noqon kartaa caqabad in si dhab ah loo xaqiijiyo cidda mas'uulka ka ah xogtaas iyo in xogtaas loo isticmaali karo sharci ah oo aan waxba laga badalin.

E. Macluumaadka La Dabooli Karo (Metadata);

Xogta elektarooniga ah waxaa la socda metadata (macluumaad ku saabsan xogta lafteeda), hadii ay kala duwanaato xogta iyo metadata'da waxa ay keeni kartaa in aan lagu kalsoonan, taasoo saameyn ku leh saxnaanta cadaynta.

5. **Xaddidaadda Khayraadka;** waa mid ka mid ah caqabadaha ugu waaweyn ee ka hor yimaada isticmaalka cadaymaha elektarooniga ah, qodobkan waxa uu diiradda saarayaa sida khayraadka xaddidan ee maaliyadeed, farsamo iyo aqooneed uu u saameyn karo maaraynta iyo hirgelinta cadaymaha elektarooniga ah ee nidaamka sharciga, waxaana kamid ah caqabadahaas kuwaan hoos ku xusan oo intaan baarista waday aan kasoo dhexsaaray xogo kala duwan:

A. Khayraadka Farsamo (Technical Resources):

- a. Si loo xaqiijiyo, loo kaydiyo, loona soo bandhigo cadaymaha elektarooniga ah, waxaa loo baahan yahay qalab farsamo oo heer sare ah sida server-yada, qalabka kaydinta xogta, iyo softiweero gaar ah, sidaa darteed hadaan la helin qalabyada farsamo ee muhiimka ah, waxa ay caqabad ku noqonaysa cadaymaha elektarooniga ah.

B. Khayraadka Aadanaha (Human Resources):

- a. Waxaa loo baahan yahay dad khibrad u leh maaraynta cadaymaha elektarooniga ah, sida farsamayaqaanada IT-ga iyo khubarada forensiga, sharci yaqaano ku tababaran maaraynta cadaymaha elektarooniga ah, qof aan khibrad iyo aqoon lahayn waxa uu khatar gelin karaa cadaymaha.

C. Kharashyada Maaliyadeed:

- a. Qalabka, farsamada, iyo adeegyada forensiga elektarooniga ah ayaa qaali ah intooda badan, Hay'adaha qaarkood, gaar ahaan kuwa dhaqaalahooda yar yahay, ma awoodaan inay si buuxda u hirgeliyaan adeegyadaas, taas oo caqabad ku ah shaqadooda.

D. Helitaanka Tiknoolajiyadda Casriga ah:

- a. Caddaymaha elektarooniga ah sida farriimaha mobilka ama xogta ka timid nidaamyada ku kaydsan meela fagfag, waxa ay u baahan yihiin tiknoolajiyad casri ah si loo xaqiijiyo saxnaantooda, helitaanka tiknoolajiyaddan ayaa ah caqabad gaar ahaan meelaha tiknoolajiyada aan si buuxda looga adeegsan.

E. Xaddidaadda Waqtiga:

- a. Soo helidda, kaydinta, iyo falanqaynta caddaymaha elektarooniga ah waxa ay qaadataa waqti badan oo had iyo jeer kabadan baarista kiisaska kale, taas oo caqabad ku ah baarista iyo maxkamadaynta kiiska.

6. **Faragelinta Caddeynta;** waa caqabad weyn oo soo wajahda isticmaalka caddaymaha elektarooniga ah, sababtoo ah xogaha elektarooniga ah si fudud ayaa loo wax ka beddeli karaa, loo been abuuri karaa, ama loo xadi karaa, taasi waxa ay dhaawacdaa saxnaanta iyo kalsoonida caddeynta, waxaana kamid ah caqabadahaas sida lagu sheegay buugga (Stephen Mason and Daniel Seng, 2021) *Electronic Evidence and Electronic Signatures* ;

A. Wax-ka-beddelka Xogta:

Caddeynta elektarooniga ah sida Email'ka iyo faylasha, waxa ay u nugul yihiin in si ujeeddo leh ama qalad ah wax looga beddelo.

B. Xaqiijinta Saxnaanta:

Waxkabadalka caddaymaha elektarooniga ah ayaa keeni karta inay adkaato in la xaqiijiyo asalka xogta (authentication), taas oo muhiim u ah maxkamadaha.

C. Xogta Been Abuurka ah:

Teknoolajiyadaha casriga ah sida AI iyo deepfakes ayaa waxaay fududeeyey in la abuuro xog been ah oo muuqaal ahaan sax u eg oo ay adagtahay in aad fahanti in xogtaan been tahay.

D. Jabsashada Nidaamyada Amniga:

Weerarro dhinaca amniga ah (cyber-attacks) ayaa ku dhaawici kara xogta ama keeni kara inay caddeyn muhiim ahi lunta ama wax laga badalo.

7. **Aqoonsiga Isticmaalaha;** waa caqabad weyn oo la xiriirta cadaymaha elektarooniga ah, maadaama ay muhiim tahay in si dhab ah loo ogaado cidda isticmaashay qalab elektarooni ah ama soo dirtay farriin ama xog gaar ah, aqoonsiga saxda ah waxa uu saameyn toos ah ku leeyahay kalsoonida iyo aqbalidda cadaynta waxaana kamid ah arrimaaha lagu xusay buugga (Martin Hannibal and Lisa Mountford, 2022) Criminal Litigation;

A. Xaqiijinta Aqoonsiga Asalka ah (Authentication):

- Waa in la xaqiijiyo in isticmaalaha soo diray farriinta ama abuuray xogta uu yahay qofka saxda ah, hadii kale waxa ay caqabad ku noqonaysa baarista.

B. Isticmaalka Xisaabaha Wadajirka ah (Shared Accounts):

- Xisaabaha ay isticmaalayaan dad badan waxa ay adkeyn karaan in si go'an loo ogaado qofkii isticmaalay wakhti cayiman, ama xogta labaarayo soo galiyay.

C. Adeegsiga Saxeexa Elektarooniga ah:

- Haddii aan si sax ah loo isticmaalin qalabka saxeexa elektarooniga ah ama biometrics, waxaa dhici karta in xog been abuur ah loo isticmaalo taas oo caqabad ka imaanayso in saxiixan uu yahay mid loogu tala galay ama been ah.

D. Xatooyada Aqoonsiga:

- Aqoonsiga isticmaale sida: Magaca isticmaalaha (username) ama lambarka sirta ah (password) ayaa si fudud loo xadi karaa oo loo isticmaali karaa hab aan sharci ahayn, taas oo caqabad ku keenaysa in sheegashada falka lagu galay Akoonkiisa uusan asaga samayn.

E. Tiknoolajiyadaha Been Abuurka ah:

- Teknoolajiyada sida IP spoofing iyo phishing oo ah farsamooyin ay dambiilayaasha aad u adeegsadaan, waxa ay keeni karaan shaki ku saabsan cidda rasmiga ah ee soo dirtay xogta.

8. **Caqabadaha Baraha Bulshada:** cadaymaha elektarooniga ah waxa ay soo bandhigaan dhibaatooyin gaar ah oo la xiriira xaqiijinta iyo isticmaalka xogta laga helo baraha bulshada sida Facebook, Twitter, iyo TikTok, caqabadahaas waxaa ka mid ah arrimahaan lagu xusay buugga (Martin Hannibal and Lisa Mountford, 2022) Criminal Litigation :

A. Xaqiijinta Asalka Xogta:

Warbaahinta bulshada waxaa sahlan in la abuuro macluumaad been abuur ah (fake profiles) ama xog laga been abuuro, taas oo caqabad ku ah baarista.

B. Amniga Xogta:

Xogta ku jirta baraha bulshada waxa ay u nugul tahay wax-ka-beddelid ama laxado.

C. Raadka Dijitalka ah (Digital Footprint):

Waxaa laga yaabaa in xogta muhiimka ah laga tiray boggaga bulshada, taas oo keenta in cadayn dhameystiran la waayo oo sidaas cadaynta ay ku luntu.

9. **Waxyeelooyinka Farsamo iyo Fayraska Kombiyuutarka;** waa caqabad weyn oo ka hor timaadda kaydinta, ilaalinta, iyo isticmaalka cadaymaha elektarooniga ah, caqabadani waxa ay saameyneysaa saxnaanta, kalsoonida, iyo helitaanka xogta muhiimka ah ee loo baahan yahay in loo adeegsado cadayn ahaa, waxaana kamid ah arrimihaan lagu xusay buugga (Stephen Mason and Daniel Seng, 2021) *Electronic Evidence and Electronic Signatures*;

A. Waxyeelooyinka Farsamo (Technical Failures):

- Lumista Xogta: Qalabka kaydinta sida hard drives, USB drives, ama server-yada ayaa si fudud u dhaawacmi kara ama u lumin kara xogta.
- Iswaafajin La'aanta Teknoolojiyadda: Xogta lagu kaydiyay nidaamyo duugoobay ayaa noqon karta mid aan la heli karrin sababtoo ah tiknoolajiyada casriga ah oo aan taageerin nidaamyadaas.
- Korontada oo Tagta: Marka nidaamka lagu kaydiyo xogta uu ku xiran yahay awood koronto, lumista korontada waxa ay sababi kartaa in xog muhiim ah lunto ama dhaawacanto.

B. Fayraska Kombiyuutarka (Computer Viruses):

- Waxyeellada Fayraska: Fayrasyada kombiyuutarka waxa ay si toos ah u burburin karaan xogta ama u beddeli karaan saxnaanteed, taas oo keenta in xogta laga shakiyo.
- Ransomware: Kooxaha dambiilayaasha ah ayaa isticmaala barnaamijyo ransomware ah si ay u xiraan xog muhiim ah oo kaliya la heli karo marka lacag la bixiyo.
- Malware iyo Spyware: Barnaamijyada wax basaasa waxa ay soo xadi karaan xogta, taas oo usahalaysa in ay siday rabaan u dhigaan.

10. **Caqabadaha Xuduudaha Dawladaha;** caqabadaha waxa ay diiradda saartaa saameynta xuduudaha caalamiga ah ee lagu helo, lagu xaqiijiyo ama laguna isticmaalo cadaymaha, iyada oo ay sabab u tahay isdhexgalka tiknoolajiyadda iyo xeerarka Dawladaha kala duwan, arimaha caqabadaha ah waxaa kamid ah

عبدالرزاق المرجان ، محمد شوقي ، يوسف السبعاري ، (dhowr arrimood oo lagu xusay buugga)
الدليل الاسترشادي للتعامل مع الأدلة الجنائية الرقمية في الدول العربية (2024) محمد المنشاوي

- A. Kala-duwanaanshaha Shuruucda Dawladaha: Dawladaha kala duwan waxa ay leeyihiin sharciyo kala duwan oo ku saabsan ilaalinta xogta iyo oggolaanshaha cadaymaha, tani waxa ay keentaa in xog laga heli karo hal wadan aan laga heli karrin mid kale sababo sharci awgood.
- B. Helitaanka Caddaymaha Xuduudaha Ka Baxsan: Helitaanka xogta ku jirta cloud storage ama server-yo ku yaal wadan kale waxa ay u baahan tahay iskaashi sharci oo u dhexeeya Dawladaha, taasoo qaadan karta waqti dheer ama diidmo ay keento shuruucda gaarka ah ee dalkaas.
- C. Xuquuqda Gaarka ah iyo Amniga: Meelo badan, sharciga gaarka ah ee xogta (data privacy laws) ayaa xaddidaya helitaanka xogta shaqsiyeed, xitaa haddii xogtaas muhiim u tahay baaritaanka danbi.
- D. Soo Celinta Caddaymaha (Data Repatriation): Marka xog laga helo hal wadan, soo celinta iyo isticmaalka xogtaas ee dalka kale waxaa caqabad ku noqon kara habraacyo sharci oo adag, taasoo saameyn karta saxnaanta iyo waqti lagu heli karo cadaynta.
- E. Saameynta Tiknoolajiyadda Isku Xiran: Teknoolojiyadda isku xiran waxa ay xaqiijisay in dambiilayaashu isticmaalaan aalado iyo adeegyo ku jira meelo kala duwan oo adduunka ah, taas oo adkeynaysa helitaanka cadaymaha lagama maarmaanka ah.
- F. Raadinta iyo helista xogta dibadda ee u baahan iskaashiga caalimaga (Mutual Legal Assistance); Baarayaasha waxa ay u baahan karaan in ay helaan wada shaqayn caalami ah oo ku dhisan heshiis (Mutual Legal Assistance Treaties - MLATs) si ay xog uga helaan shirkadaha ama Dawladaha kale, habkan badanaa waxa uu leeyahay caqabado ay kamid yihiin;
 - 1. Waqti lumis: Codsiyada MLATs waxa ay qaataan bilo ama sanado si loo ansixiyo.
 - 2. Wadashaqeyn la'aan: Dawladaha qaarkood waxa ay diidaan inay xog bixiyaan sababo la xiriira danahooda siyaasadeed.

Cutubka Shanaad: Kaalinta Caddeymaha Elektarooniga Ah Ee Cadaaladda Dembiyada

Hordhac:

Caddeymaha Elektarooniga ah waxa ay kaalin muhiim ah ka ciyaaraan xaqiijinta runta, xallinta kiisaska, iyo hufnaanta nidaamka cadaaladda dambiyada, waa arrin lama huraan u ah garsoorka casriga ah, gaar ahaan marka la tacaalayo dambiyada internetka, musuqmaasuqa iyo dambiyada kale ee tiknoolojiyada la xiriira.

الدليل الاسترشادي للتعامل مع الأدلة الجنائية الرقمية في الدول (محمد شوقي و عبدالرزاق المرجان) 2021, Buugga العربية, marka uu ka hadlayay doorka cadaaladda ee cadaymaha elektarooniga waxa uu sheegay arrimo waawayn oo ay kamid yihiin;

1. **Aqoonsiga Dambiilaha;** Cadaymaha elektarooniga ah waxa ay awood u leeyihiin in ay aqoonsadaan cidda ku lugta leh fal dambiyeed iyada oo la adeegsanayo xog ka timid qalabka elektarooniga ah sida CCTV, GPS, Taleefanada iyo Serve'rada.
2. **Isku Xirka Dambiilaha Iyo Dhacdada;** Xogta laga helo qalabka elektarooniga ah waxa ay u ogolaanaysaa baarayaasha inay isku xiriyaan shakhsiga falalka galay iyo dhacdada fal-dambyeed, arrintaas waxa ay muhiim u tahay kiisas isku xiran oo ay ku lug leeyihiin dambiilayaasha abuuubulan.
3. **Dhisidda Silsiladda Dhacdooyinka;** Caddeymaha elektarooniga ah waxaa loo isticmaalaa in lagu dhiso silsilad dhacdooyin ah oo qeexitaan iyo faham fiicana ka bixinaysa habka uu falka u dhacay, taas oo muhiim u tahay in la fahmo cidda falka bilowday, waqtiga uu dhacay, iyo sida uu u dhacay falku.
4. **Yareynta Khaladaadka Aqoonsiga;** Doorka forensiga dhijitaalka ah ee caddeymaha elektarooniga ah waxa ay yareeyaan halista khaladaadka aqoonsiga ee ka dhaca baaritaanada taas oo suura galisa in xog sugan lasoo saaro.
5. **Saameynta Garsoorka;** Aqoonsiga iyo isku xirka dambiilayaasha iyo dhacdooyinka waxa ay muhiim u tahay xaqiijinta in kiisaska lagu xukumo caddayn sugan oo aan shaki ku jirin, Xeer Ilaalinta iyo Maxkamaduhu marka ay ku tiirsan yihiin caddeymaha elektarooniga ah waxaa yaraanaya khaladaadka iyo in go'aamada ku dhisan shakiga.
6. **Ka Hortagga Khaladaadka Xukunka;** Caddeymaha elektarooniga ah waxa ay sare u qaadaan hufnaanta kiisaska iyo yaraynta xukunada khaldan, taasoo yareynaysa in qof aan wax dambi ah lahayn lagu xukumo.

7. **Hufnaan iyo Saxnaan:** Caddeymaha elektarooniga ah waa kuwo kaalmaynaya hufnaanta waana kuwa sax ah oo ku saleysan xog aan si fudud loo beddeli karrin haddii aan si kutala gala ah loo badalin, waxa ayna ubaahan tahay in si adag loo ilaaliyo.
 8. **Degdeg iyo Waxtar;** Cadaymaha elektarooniga ah ayaa sahlaya in xog waqti badan qaadan lahayd aruurinteeda loo helo si degdeg ah oo waxtar leh loona aruuriyo laguna falanqeeyo si kooban.
 9. **Fursadaha Aqoonsiga Dembiyada Cusub:** Cadaymaha elektarooniga ah waxa ay ku habboon yihiin kiisaska casriga ah sida dambiyada internetka iyo lacagdhaqidda, sidaas oo kale in lagu ogaado si sahlan dambi walbe oo cusub oo dambiilayaasha ay sameeyaan.
 10. **Xoojinta Baaritaanka:** Cadaymaha elektarooniga ah waxa ay si weyn u fududeeyaan baaritaanada iyagoo bixinaya xog sugan oo maxkamadaha loo adeegsan karo, laguna gaari karo go'aan cadaalad ah.
 11. **Gaarista Xukun Ku Dhisan Cadaymo Xoogan :** Cadaymaha elektarooniga ah waxa ay sare u qaadan in la gaaro xukunno sax ah oo ku dhisan cadaymo la hubo, waxa ayna meesha ka saaran in xukunka lagu gaaro cadaymo aan xooganayn.
 12. **Taageerada Xallinta Kiisaska Caalamiga ah:** Waxa ay ka caawiyaan kiisaska caalamiga ah oo ku lug leh xuduudaha Dawladaha.
- Ugu dambayntii;** Caddeymaha elektarooniga ah waxa ay muhiim u yihiin nidaamka cadaaladda casriga ah, waxa ay sare u qaadaan hufnaanta, saxnaanta, iyo kalsoonida nidaamka garsoorka, iyada oo sidaas oo kale si weyn uga hortagaya khaladaadka xukunka, si kastaba ha ahaatee horumarrinta iskaashiga caalamiga ah iyo shuruudka ku saabsan isticmaalka caddeymaha elektarooniga ah waa muhiim si loo yareeyo caqabadaha ka jira garsoorka.

Cutubka Lixaad: Sharciyada Gaarka ah ee Caddeymaha Elektarooniga ah

Hordhac:

Sharciyada gaarka ah ee caddeymaha elektarooniga ah ayaa muhiim u ah nidaamka cadaaladda casriga ah, gaar ahaan marka lala tacaalayo kiisaska la xiriiira tiknoolajiyada casriga ah. Caddeymaha elektarooniga ah, sida farriimaha Emailada, GPS, CCTV, iyo baraha bulshada, waxa ay noqdeen laf-dhabarka kiisaska Ciqaabta iyo Madaniga ah, sidaa darteed waxaa loo baahanyahay in la helo sharciyo lagu maareeyo ururinta, ilaalinta, iyo aqbalidda caddeymahan si ay u noqdaan kuwo sax ah oo loo adeegsan karo cadayn ahaan laguna dhisi karo Xukun.

Hadaba mowduucaan waxaan kusoo bandhigaynaa Sharciyada Caalamiga, kuwa wadamo kala duwan ay leeyihiin iyo kuwa Soomaaliya ee ugaarka ah Caddeymaha Elektarooniga ah.

Sharciyada Caalamiga ah ee Ku Saabsan Caddeymaha Elektarooniga ah:

Sharciyada caalamiga ah ee ku saabsan caddeymaha elektarooniga ah waxa ay kaalin muhiim ah ka ciyaaraan nidaaminta, ururinta, ilaalinta, iyo isticmaalka caddeymahan ee nidaamka cadaaladda adduunka, waxa ay sidaas oo kale muhiim u yihiin xallinta kiisaska caalamiga ah, gaar ahaan marka xogta lagu kaydiyo dalal kala duwan. Hoos waxaan kusoo qaadan doona qaar ka mid ah sharciyada iyo heshiisyada caalamiga ah ee la xiriiira caddeymaha elektarooniga ah;

A. African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention, 2014) (Heshiiska Midowga Afrika ee Amniga Internetka iyo Ilaalinta Xogta Shaqsiyeed), oo sidaas oo kale loo yaqaan **Heshiiska Malabo**, waa heshiis ay ansixiyeen waddamada xubnaha ka ah Midowga Afrika (AU) **June 27, 2014**, kuna saxiixeen magaalada Malabo ee dalka Equatorial Guinea, waa heshiiska ugu horreeya ee heer qaaradeed oo Afrika ku saabsan amniga internetka, ka hortagga dambiyada internetka, iyo ilaalinta xogta shaqsiyeed. Heshiiskan waxaa laga heli karaa Linkigaan (https://au.int/sites/default/files/treaties/29560-treaty-0048_-_african_union_convention_on_cyber_security_and_personal_data_protection_e.pdf)

B. Budapest Convention on Cybercrime 2001, oo sidaas oo kale loo yaqaan **Convention on Cybercrime**, waa heshiis caalami ah oo loogu talagalay in lagu xakameeyo dambiyada elektarooniga ah iyo in la dhiso iskaashi caalami ah oo wax looga qabto kiisaska la xiriiira tiknoolojiyada macluumaadka, heshiiskan waxaa ansixiyay Golaha Yurub (Council of Europe) sanadkii **2001**, heshiiskan ayaa ahaa kii ugu horreeyay ee caalami ah oo lagu maareeyo dambiyada internetka.

Heshiiskaan waxaa laga heli karaa Linkigaan ([http1](https://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_7_conv_budapest_en.pdf))https://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_7_conv_budapest_en.pdf)

C. Convention on the Use of Electronic Communications in International Contracts (UNCITRAL, 2005), (Heshiiska Isticmaalka Isgaarsiinta Elektarooniga ah ee Caalamiga ah), oo loo yaqaan **UNCITRAL E-Communications Convention**, waxaa ansixiyay **Guddiga Qaramada Midoobay ee Sharciga Ganacsiga Caalamiga ah (UNCITRAL)** bishii **Novembar 23, 2005**, heshiiskani waxa uu ujeedadiisu tahay in la fududeeyo isticmaalka isgaarsiinta elektarooniga ah ee ganacsiga caalamiga ah, iyada oo la hubinayo in si sharci ah loo aqoonsado loona mideeyo heerarka caalamiga ah ee isgaarsiinta, si looga hortago dambiyada ka dhexdhaca isgaarsiinta caalamiga ah. Heshiiskaan waxaa laga heli karaa Linkigaan ([http2](https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/06-57452_ebook.pdf))https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/06-57452_ebook.pdf)

D. General Data Protection Regulation - GDPR (Xeerka Ilaalinta Xogta Guud); waa sharci ballaaran oo ku saabsan ilaalinta xogta iyo sirta, kaas oo Midowga Yurub (EU) dhaqan geliyay **May 25, 2018**, waxa uu kamid yahay shuruucda ugu xooga badan ee ilaalinta xogta caalamka, waxa uu dajiyaa sharciyo adag oo ku saabsan sida loo isticmaalo xogta elektarooniga ah, gaar ahaan xaaladaha caddaynta elektarooniga iyo sida loo ilaalinayo. Heshiiskaan waxaa laga heli karaa Linkigaan ([http3](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32016R0679))<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32016R0679>)

Sharciyada Gaarka u ah Cadaymaha Elektarooniga ah ee Dalal kala Duwan.

Caddeymaha elektarooniga ah waxa ay noqdeen laf-dhabar muhiim ah oo lagu taageero nidaamka cadaaladda casriga ah, dalalka adduunka ayaa soo saaray sharciyo gaar ah si loo nidaamiyo ururinta, ilaalinta, iyo isticmaalka caddeymaha elektarooniga ah, shuruucdaasi waxa ay ujeedadoodu tahay inay xaqiijiyaan in caddeymaha elektarooniga ah ay yihiin kuwo sax ah, lagu kalsoonaan karo, loona adeegsan karo cadaaladda. Halkaan waxaan ku soo qaadan doona wadamo kala duwan oo leh sharciyo ugaar aha cadaymaha elektarooniga ah ama leh sharciga cadaymaha oo si uun dhexdiisa lagu sheegayo cadaymaha elektarooniga.

A. Federal Rules of Evidence (Sharciga Caddeynta ee Federaalka Maraykanka); Sharcigaan waxa uu dejinayaa habraacyada iyo shuruudaha lagu aqbalo caddeymaha, oo ay ku jiraan kuwa elektarooniga ah, sidaas oo kale waxa uu xaqiijinayaa in caddeymaha la soo bandhigayo ay yihiin kuwo la isku halleyn karo oo sax ah waxa uuna fududeeyaa isticmaalka caddeymaha elektarooniga ah, isagoo hubinaya in caddeymahaasi ay buuxiyaan shuruudaha saxnaanta iyo la isku halleyn karo isticmaalkooda. Sharcigaan waxaa laga heli karaa Linkigaan ([http4](https://www.uscourts.gov/sites/default/files/evidence_federal_rules_pamphlet_dec_1_2023.pdf))https://www.uscourts.gov/sites/default/files/evidence_federal_rules_pamphlet_dec_1_2023.pdf)

- B. Electronic Evidence Acceptance Laws in the European Union (Sharciyada Aqbalaadda Caddeymaha Elektarooniga ah):** Sharcigaan waxa uu tilmaamayaa sidii loo nidaamin laha sharciyada ay dejisteen waddamada xubnaha ka ah **Midowga Yurub (EU)** si loo nidaamiyo isticmaalka iyo aqbalaadda caddeymaha elektarooniga ah, sharcigaan waxa ay ujeedadiisu tahay in la hubiyo in caddeymaha dhijitaalka ah, sida emailada, heshiisyada elektarooniga ah, ama xogta dhijitaalka ah, loo adeegsan karo si sharci ah oo lagu kalsoonaan karo. Sharcigaan waxaa laga heli karaa Linkigaan (htt5) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG)
- C. Evidence (Amendment) Act 2012 (Sharciga Caddeynta Wax-ka-beddelka 2012 ee Singapore):** Sharcigaan waxa uu wax ka beddelay **Sharciga Caddeynta 1893**, isagoo fududeeyay aqbalaadda caddeymaha elektarooniga ah, wax-ka-beddelkan waxa uu meesha ka saaray shuruudihii adag ee hore loogu xiray soo bandhigidda caddeymaha kombiyuutarka laga soo saaray, waxa uu qeexay arrimo cusub si loo xaqiijiyo saxnaanta iyo kalsoonida diiwaannada elektarooniga ah, sharcigan waxa uu aqoonsaday in diiwaannada elektarooniga ah ee si caadi ah loo sameeyay loo adeegsan karo caddayn ahaan, iyada oo loo eegayo asalka iyo kalsoonida xogtaas. Sharcigaan waxaa laga heli karaa Linkigaan (htt6) <https://sso.agc.gov.sg/SL/S335-2012>)
- D. The Information Technology Act (Sharciga Teknolojiyada Macluumaadka ee Hindiya IT Act, 2000):** Sharcigaan waxa uu dejinayaa qaab sharci oo lagu maamulo isgaarsiinta elektarooniga ah iyo ka hortagga dambiyada internetka, sharcigan waxa uu aqoonsanayaa dukumentiyada elektarooniga ah iyo saxiixyada dhijitaalka ah, sidaas oo kale waxa uu qeexayaa dambiyada la xiriira tiknoolajiyada sida jabsiga kombiyuutarada, faafinta virusyada, iyo xatooyada aqoonsiga, isagoo u dejinaya ciqaabo sharci ah, sharcigan waxa uu kaloo nidaaminayaa mas'uuliyadda iyo ilaalinta xogta shaqsiyeed. Sharcigaan waxaa laga heli karaa Linkigaan (htt7) https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf)
- E. نظام التعاملات الإلكترونية (Sharciga Isgaarsiinta Elektarooniga ah iyo Macluumaadka ee Boqortooyada Sacuudi Carabiya):** sharcigaan waxa uu dejinayaa qaab sharci oo lagu maamulo isgaarsiinta elektarooniga ah iyo adeegyada la xiriira, isagoo diiradda saaraya dhowr arrimood oo muhiim ah oo kala ah Aqoonsiga Saxiixyada Elektarooniga ah, Dukumentiyada Elektarooniga ah, Ilaalinta Xogta iyo Dambiyada Elektarooniga ah, Sharcigan waxa uu fududeynayaa in caddeymaha elektarooniga ah loo adeegsado nidaamka sharci ee Sacuudiga, isagoo kor u qaaday kalsoonida adeegyada dhijitaalka ah iyo hufnaanta nidaamka cadaaladda. Sharcigaan waxaa laga heli karaa Linkigaan (htt8) <https://www.mof.gov.sa/docslibrary/RegulationsInstructions/DocLib/%D9%86%D8%B8%D8%A7%D9%85%20%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%85%D9%84%D8%A7%D8%AA%20%D8%A7%D9%84%D8%A5%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86%D9%8A%D8%A9.pdf>)

- F. Federal Law No. (1) of 2006 On Electronic Commerce and Transactions (Sharciga Isgaarsiinta Elektarooniga ah iyo Macluumaadka ee UAE):** Sharcigaan waxa uu ka hadlayaa caddeymaha elektarooniga ah, isagoo diirada saaraya Aqoonsiga Dukumentiyada Elektarooniga ah, Saxiixyada Elektarooniga ah, Kalsoonida Xogta Dhijitaalka ah iyo Isticmaalka Maxkamadda, sharcigan waxa uu xoojinayaa awoodda isticmaalka caddeymaha elektarooniga ah ee nidaamka sharci ee UAE, isagoo fududeeya in ganacsiga iyo macaamilada dhijitaalka ah loo aqoonsado kuwo sharci ah oo lagu kalsoonaan karo Maxkamadda horteeda. Sharcigaan waxaa laga heli karaa Linkigaan (fil)<file:///C:/Users/user/Downloads/Federal%20Law%20No%201%20of%202006%20%20On%20Electronic%20Commerce%20and%20Transactions%20English.pdf>
- G. Electronic Communications And Transactions Act, 2002 (Sharciga Isgaarsiinta Elektarooniga ah iyo Macaamilada ee Koonfur Afrika):** Sharcigan waxa uu xoojinayaa awoodda iyo kalsoonida isticmaalka caddaymaha elektarooniga ah ee nidaamka sharci ee Koonfur Afrika, isagoo fududeeya hababka aruurunta iyo isticmaalka caddaynta elektarooniga ah. Sharcigaan waxaa laga heli karaa Linkigaan (htt9)https://www.gov.za/sites/default/files/gcis_document/201409/a25-02.pdf
- H. The Cybercrimes Act, 2015 (Sharciga Dambiyada Elektarooniga ah ee Tanzania):** Sharcigaan waxa uu dejinayaa hababka lagu maareynayo dambiyada la xiriira elektarooniga sida; kombiyuutarka iyo tiknoolajiyada isgaarsiinta, sidaas oo kale sharcigan waxa uu qeexayaa habraacyada baarista dambiyada elektarooniga ah, ururinta caddaymaha dhijitaalka ah, iyo waajibaadka bixiyeyaasha adeegga isgaarsiinta, waxaa sidaas oo kale lagu xusay cigaabo adag oo ka dhan ah kuwa gala dambiyada elektarooniga ah. Sharcigaan waxaa laga heli karaa Linkigaan (htt11)https://rsf.org/sites/default/files/the_cyber_crime_act_2015.pdf
- I. Uganda Evidence Act (Sharciga Caddaynta ee Uganda):** Sharcigaan waxa uu soo bandhigayaa habraacyada lagu maamulo caddaymaha ama lagu soo bandhigo caddaynta elektarooniga ah, waxa uuna xooga saarayaa dhawr arimood oo kala ah; Aqoonsiga Dukumentiyada Elektarooniga ah, Aqbalaadda Caddaymaha, Habraacyada Soo Bandhigidda Caddaymaha. Sharcigan waxa uu muhiim u yahay habka loo maareeyo caddaymaha gaar ahaan kuwa elektarooniga ah, isagoo hubinaya in caddaymaha la soo bandhigayo ay yihiin kuwo lagu kalsoonaan karo oo sharci ahaan lana aqbali karo. Sharcigaan waxaa laga heli karaa Linkigaan (htt13)<https://ulii.org/akn/ug/act/ord/1909/11/eng%402000-12-31>

J. Evidence Act, Kenya (Sharciga Caddaynta ee Kenya): Sharcigaan waxa uu nidaaminayaa habka loo aqbalo, loo maareeyo, loona soo bandhigo caddaymaha, oo ay ku jiraan caddaymaha elektarooniga ah, sidaas oo kale sharcigaan waxa uu adkeynayaa in caddaymaha elektarooniga ah ay tahay in lagu soo bandhigo hab forence ah, si loo hubiyo in xogta aan wax faragelin ah lagu sameynin. Sharcigaan waxaa laga heli karaa Linkigaan (http14)https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/EvidenceAct_Cap80.pdf

Sharciyada Gaarka u ah Caddaymaha Elektarooniga ah ee Soomaaliya.

Wagtigan la joogo Soomaaliya ma laha sharci gaar ah oo si toos ah u nidaamiya caddaymaha elektarooniga ah ama Sharciga Caddaynta oo gaar ah u nidaaminta caddaynta, arrintaas oo ah mid uu ay ka gaabiyeen sharciyada Soomaaliya .

Si kastaba ha ahaatee, waxaa jira qodobo sharci oo ku jira shuruucda guud ee dalka, gaar ahaan sharciyada la xiriiira dambiya iyo habraacyada ciqaabta, kuwaas oo kuwa kamid ahna qodobo ka tilmaamaya caddaynta elektarooniga kuwana si dadban uga hadlaya isticmaalka caddaymaha elektarooniga ah. Sharciyadaas waxaa kamid ah.

A. Xeerka Habka Ciqaabta Soomaaliya: Xeerkaan waa xeerka ugu way ee dejinaya habraacyada loo maro dacwadaha ciqaabta ah isagoo ka kooban qodobo nidaaminaya habka baarista, soo oogista, soo bandhigida iyo dhegeysiga dacwadaha ciqaabta ah, xeerkan waxa uu hubinayaa in nidaamka caddaaladda ciqaabta ah ee Soomaaliya uu noqdo mid hufan, caddaalad ah, oo waafaqsan sharciga, isagoo ilaalinaya xuquuqda dhammaan dhinacyada ku lugta leh dacwadaha ciqaabta ah, xeerkaan waxa uu si guud uga hadlayaa **caddaynta** dacwadaha ciqaabta ah, isagoo tilmaamaya sida loo ururinayo, loo soo bandhigayo, loona qiimeynayo caddaymaha, sidaas oo kale waxa uu dejinayaa habraacyo loo maro si loo xaqiijiyo in caddaymaha la soo bandhigayo ay yihiin kuwo lagu kalsoonaan karo oo waafaqsan sharciga, xeerkaan waxa uu suuta galiyay in caddaymaha elektarooniga lagu soo bandhigo Maxkamaddaha hortooda, maadaama uu si guud uga hadlayo soo bandhigidda caddaymaha, aysana jirin qodob diidaya in caddaymaha elektarooniga ah lagu soo bandhio Maxkamadda. Sharcigaan waxaa laga heli karaa Linkigaan (http15)https://blaw05.wordpress.com/wp-content/uploads/2015/10/xeerka_ciqaabta_revised.pdf

B. Sharciga Hay'adda Nabadsugidda iyo Sirdoonka Qaranka (NISA) ee Jamhuuriyadda Federaalka Soomaaliya: Sharcigaan waxa uu nidaaminayaa dhismaha, awoodaha, iyo waajibaadka hay'addan Nabadsugidda, sidaas oo kale sharcigu waxa uu qeexayaa qaab-dhismeedka hay'adda isagoo caddeynaya waajibaadka iyo mas'uuliyadaha hay'adda.

Sharcigaan qodobkiisa 8aad ee ka hadlaya awoodaha hay'adda faqradiisa 7aad waxaa lagu xusay in waxyaabaha fatashaada lagu samaynayo ay kamid yihiin Qalabka isgaarsiinta iyo Kubuyuutarada, arrintaas oo faham fiican ka bixinaysa in qalabkaas uu muhiim u yahay baarista iyo soo bandhigidda caddaymaha, si maxkamadda ay go'aan ugu gaarto. Sharcigaan waxaa laga heli karaa Linkigaan (http://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga Hayadda Nabadsugidda iyo Sirdoonka Qaran ka.pdf)

- C. Sharciga La-dagaalanka Argagaxisada ee Jamhuuriyadda Federaalka Soomaaliya:** Sharcigaan waxa ay ujeedkiisu tahay in la xakameeyo, laguna ciribtiro falalka argagaxisada ee khatar ku ah amniga qaranka iyo nabadgelyada dadweynaha, sharcigan waxa uu qeexayaa falalka argagaxisada, ciqaabaha la xiriira, habraacyada baarista, maxkamadaynta, iyo habka lagu ilaalinayo xuquuqda aadanaha waxa uuna muhiim u yahay xoojinta awoodda sharciga ee la-dagaalanka fal-dembiyeedyada argagaxisada iyo ilaalinta amniga guud ee dalka.

Sharcigaan qodobkiisa 43aad waxa uu ka hadlayaa Oggolaashaha Caddaymaha Elektaroonigga iyo habka casriga, waxa uuna sheegaya in caddaymaha elektarooniga ah sida; Muuqaallada, Sawirada, Codadka, Qoraallada, Tixraacyada iyo waxii lamid ah ee xiriir la leh tiknoolajiyadda in loo adeegsan karo caddayn ahaan, sidoo kalana garsoorka ay u tixgaliyaan in ay yihiin caddaymo lagu gaari karo go'aan garsoor. Sharcigaan waxaa laga heli karaa Linkigaan (http://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga La-dagaalanaka Argagaxisada .pdf)

Si kastaba ha ahaatee Soomaaliya ma laha sharci gaar ah oo loogu talagalay caddaymaha guud ama caddaymaha elektarooniga ah, nidaamka sharci ee hadda jira waxa uu inta badan ku saleysan yahay shuruucdii hore ee Talyaaniga, sharciyada caalamiga ah ee dalku saxiixay, iyo habraacyo laga soo dheegtay shuruuc kale, xiligaan la joogo Soomaaliya waxa ay si weyn ayay ugu baahantahay sharci gaar ah Caddaymaha oo nidaamiya caddaymaha elektarooniga ah.

Cutubka Todobaad: Aqoonta Howl-wadeenada Garsoorka ee Maaraynta Caddaymaha Elektarooniga.

Hordhac:

Caddaymaha elektarooniga ah waa aalad muhiim ah oo ku soo korortay nidaamyada garsoorka casriga ah, iyada oo tiknoolajiyada ay si xawli ah u horumareyso, garsoorka iyo hay'adaha sharciga ah waxa ay wajahayaan baahida loo qabo inay si habboon u maareeyaan caddaymaha elektarooniga ah si loo xaqiijiyo cadaaladda. Caddaymaha elektarooniga ah oo ay ku jiraan dukumiintiyada dhijitaalka ah, farriimaha elektarooniga ah, sawirrada, fiidiyowiyada, iyo xogta kaydsan, waxa ay noqdeen kuwo muhiim ah oo lagu caddeeyo xaqiiqooyinka kiisaska kala duwan ee maxkamadaha.

Howl-wadeenada garsoorka waxa ay door muhiim ah ka ciyaaraan hubinta sax ahaanta, ilaalinta, iyo soo bandhigista caddaymaha elektarooniga ah, aqoonta iyo xirfadaha ay u baahan yihiin howl-wadeenada garsoorka waxa ay ku saleysan tahay fahamka farsamooyinka maaraynta caddaynta elektarooniga ah, ilaalinta raadraaca xogta (chain of custody) iyo u hoggaansanaanta shuruucda iyo xeerarka maxalliga ah iyo caalamiga ah ee ku saabsan caddaynta elektarooniga ah.

Aqoonta hoose ee dhinaca maaraynta caddaymaha elektarooniga ah waxa ay sababi kartaa fashil sharci iyo in caddaymuhu lumaan ama aan ay noqdaan kuwa aan la aqbali karrin. Sidaas darteed, howl-wadeenada garsoorka waa inay helaan tababarro ku saabsan ururinta, keydinta, falanqaynta, iyo soo bandhigista caddaymaha elektarooniga ah.

Hadaba marka aanu uga gudubno hordhaca intaas, ciwaankan waxaanu ku eegi doona laba arrimood oo muhiim ah oo kala ah Kaalinta Howl-wadeenada Garsoorka iyo Qiimaynta Aqoonta Howl-wadeenada Garsoorka.

Kaalinta Howl-wadeenada Garsoorka ee Maaraynta Caddaymaha Elektarooniga.

Sida aan hordhac ku soo sheegay, howl-wadeenada garsoorka waxa ay door muhiim ah ka ciyaaraan maaraynta caddaymaha elektarooniga ah, taas oo lagama maarmaan u ah xaqiijinta cadaaladda casriga ah. Hadaba marka aanu leenahay howl-wadeenada garsoorka waxaan ula jeedaa: Garsoorayaasha, Xeer Ilaaliyaasha, Kaaliyaasha, Gaarsiyaasha iyo Shaqaalaha kale ee garsoor, waxaa sidaas oo kale soo hoos galaya oo cilmibaaristaan qeyb ka ah Qareenada iyo Baarayaasha oo kaalin wayn ka ciyaara shaqada garsoorka. Hoos waxaa ku soo qaadan doona dhowr qodob oo ku tusinaya kaalinta muhiimka ah ee ay ka qaataan howl-wadeenada garsoorka maaraynta caddaymaha elektarooniga:

1. Ururinta Caddaymaha Elektarooniga ah: Howl-wadeenada garsoorka waxa ay hubiyaan in caddaymaha elektarooniga ah lagu soo aruuriyo si waafaqsan xeerarka iyo shuruucda maxalliga ah, waxa ay adeegsadaan habab sharci ah oo lagu soo helo xogta elektarooniga ah, waxa ay ilaaliyaan sirta iyo xuquuqda dhinacyada.
2. Hubinta Sax ahaanshaha iyo Asalnimada Caddaynta: Si caddaymaha elektarooniga ah ay u aqbasho maxkamadda, waa in la xaqiijiya sax ahaanshaheeda iyo asalnimadeed, howl-wadeenada garsoorka waxa ay hubiyaan in xogta aysan wax isbeddel ah ku imaanin, waxa ay adeegsadaan farsamooyin lagu xaqiijinayo in caddayntu tahay mid asal ah, waxa ay dib-u-eegis ku sameeyaan xogta iyagoo adeegsanaya qalabyo farsamo.
3. Ilaalinta Amniga Xogta: Ilaalinta Amniga xogta waa nidaam lagu xaqiijiyo in caddaynta elektarooniga ah ay ku sugnaato gacmo ammaan ah oo aan la lumen, howl-wadeenada garsoorka waxa ay hubiyaan in la diiwaangeliyo tallaabo kasta oo la qaaday inta xogta la aruurinyay, waxa ay ilaaliyaan raadraaca xogta si ay uga hortagaan shaki kasta oo ku saabsan sax ahaanshaheeda, waxa ay shaaca ka qaadan isbeddel kasta oo lagu sameeyo xogta iyo sababta keentay.
4. Soo Bandhigista Caddaynta Elektarooniga ah: Howl-wadeenada garsoorka waxa ay hubiyaan in caddaymaha elektarooniga ah si sharci ah oo hufan loogu soo bandhigo maxkamadda, sidaa darteed waxa ay sameeyaan inay caddaynta u soo bandhigaan qaab la fahmi karo, inay sharxaan muhiimadda caddaynta iyo sida ay u taageereyso kiiska, inay si fiican uga jawaabaan su'aalaha la xiriiira sax ahaanshaha iyo ilaalinta xogta.
5. Ka Hortagga Khaladaadka iyo Musuqmaasuqa: Howl-wadeenada garsoorka waxa ay si joogto ah u hubiyaan in la yareeyo khaladaadka iyo wax kasta oo musuq ah oo keeni kara in caddayntu noqoto mid aan la aqbali Karrin, waxa ay adeegsadaan khubaro ku takhasusay fooraansiga dhijitaalka ah (digital forensics) iyo nidaamyo adag oo lagu maareeyo xogta.

Kaalinta howl-wadeenada garsoorka ee maaraynta caddaymaha elektarooniga ah waa mid muhiim ah oo aasaasi u ah nidaamka garsoor casriga ah, howl-wadeenadu waa inay yeeshaan aqoon iyo xirfado sare oo ay ku maareeyaan caddaymaha elektarooniga ah si sax ah, hufan, oo waafaqsan shuruucda. Ilaalinta sax ahaanshaha xogta, amniga xogta, iyo soo bandhigista caddaynta waa arrimo muhiim ah oo lagu xaqiijin karo cadaalad ku dhisan caddaymo sugan iyo habraacyo adag.

Qiimaynta Aqoonta Howl-wadeenada Garsoorka ee Maaraynta Caddaymaha Elektarooniga.

Qiimaynta aqoonta howl-wadeenada garsoorka ee maaraynta caddaymaha elektarooniga ah waa tallaabo lagama maarmaan ah si loo hubiyo in howl-wadeenada garsoorku ay si hufan oo sax ah ula tacaali karaan xogta iyo caddaymaha elektarooniga.

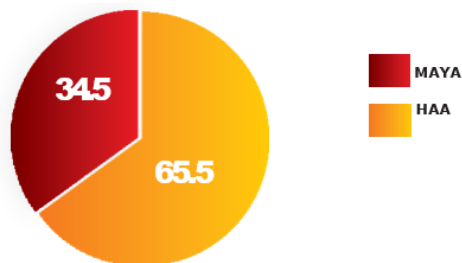
Hadaba si arrintaas aan u hibiyo waxaan diyaariyay su'aalo aan u qaabeeyay si ay u daboolaan dhinacyada muhiimka ah ee mowduuca, oo ay ka mid yihiin tababarka, fahamka, sharciga iyo caqabadaha caddaymaha elektarooniga ah ee howl-wadeenada garsoorka, sidaa darteed waxaan halkaan kusoo bandhigayaa Natijada kasoo baxday su'aalaha.

Natijada Su'aalaha Qiimaynta:

Suaa'laha ayaa waxaa kasoo jawaabay Garsoorayaal, Xeer Ilaaliyaal, Kaaliyaal, Gaarsiiyaal, Qareeno iyo Baarayaal, ay khibradooda shaqo u dhaxayso 1sano ilaa 20sano.

Su'aasha 1aad: Ma heshay tababar gaar ah oo ku saabsan maaraynta caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aasha waydiiyay 65.5% waxa ay ku jawaabeen in aysan helin tababar.



Su'aasha 2aad: Haddii aad heshay tababar ku saabsan Caddaymaha elektarooniga ah maxay yihiin dhinacyada tababarkaas uu diirada saarayay?

Jawaabta: Howl-wadeenada su'aasha hore haa uga jawaabay ee ka falceliyay

Baaritanada Labtoobyada iyo Telefonada

Forensic Evidence

Caddaymaha u danbeeyay iyo xeerarka soomaaliya

tababarka ay heleen marka aan dib u akhriyay jawaabahooda waxaa kasoo

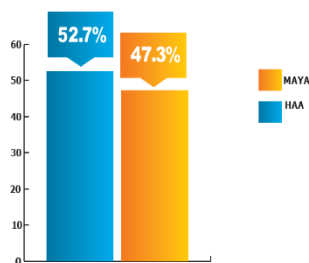
baxay 5 qof kaliya oo fahmay jawaabta su'aasha, jaawabahoodana ay sidaan ahaayeen.

Digital Electronics And Forensic Lab.

Waxaa Diirada Lagu Saaray Baaritaanada Ama Caddaymaha Elektarooniga Sida Cellphones, Computerada, Simcard Yada, Hard Drive Yada, Memeryada, Iyo Wax Walba Storage Ah.

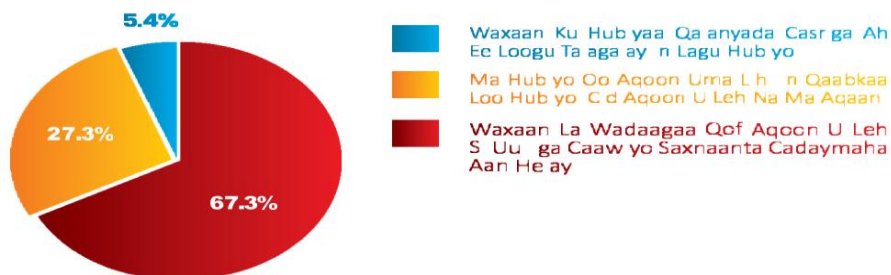
Su'aasha 3aad: Ma u aragtaa in ay khibraddaadu ku filan tahay maaraynta kiisaska la xiriira caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aasha waydiiyay 52.7% waxa ay ku jawaabeen in aysan lahayn khibrad ku filan oo ay ku maareeyaan caddaymaha elektarooniga.



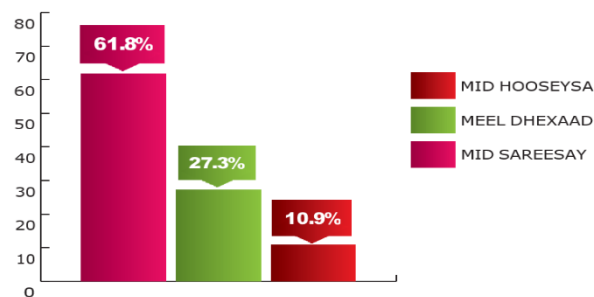
Su'aasha 4aad: Sidee ayaad u hubisaa saxnaanta caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aasha waydiiyay 67.3% waxa ay ku jawaabeen in ay la wadaagan qof aqoon uleh, taas oo ka dhigan in aysan aqoon ulahayn sida loo hubiyo saxnaanshaha caddaynta elektarooniga.



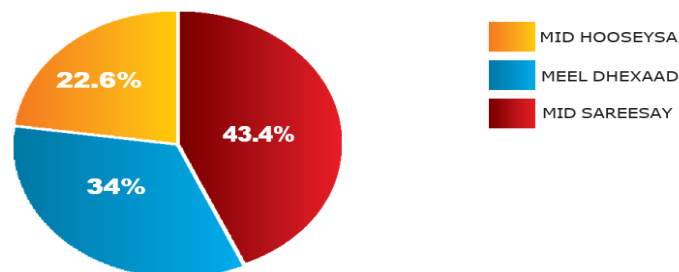
Su'aasha 5aad: Caddeymaha elektaroonigu kaalin intee le'eg ayay ka ciyaaran kiisaska Ciqaabta ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 61.8% waxa ay ku jawaabeen in kaalin sare ay ka qaatan caddaymaha elektarooniga kiisaska ciqaabta.



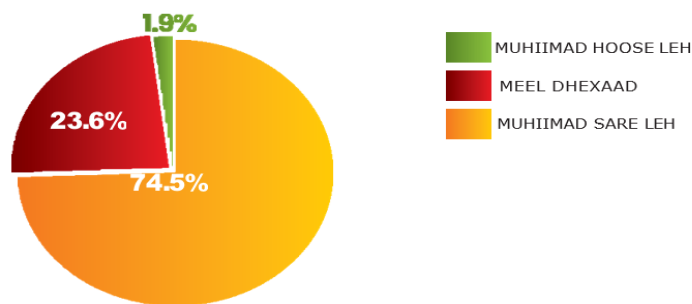
Su'aasha 6aad: Caddeymaha elektaroonigu kaalin intee le'eg ayay ka ciyaaran kiisaska Madaniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 43.4% waxa ay ku jawaabeen in kaalin sare ay ka qaatan caddaymaha elektarooniga kiisaska Madaniga.



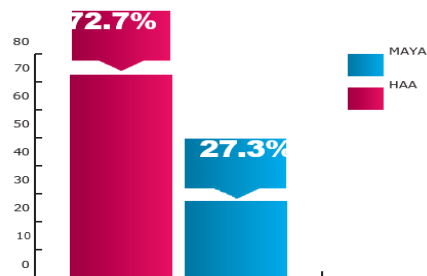
Su'aasha 7aad: Sidee ayaad u qiimeyn kartaa muhiimada caddeymaha elektarooniga ah ee Cadaaladda?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 74.5% waxa ay ku jawaabeen in muhiimada sare ay leeyihiin caddaymaha elektarooniga



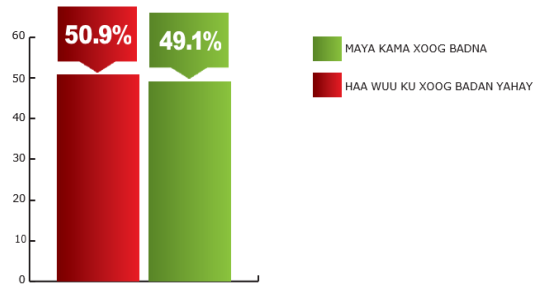
Su'aasha 8aad: Ma u malaynaysaa in shuruucda noo dagsan ay ku filan yihiin in loo adeegsado caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 72.7% waxa ay ku jawaabeen in aysan ku filnayn shuruucda noo dagsan in loo adeegsado caddaymaha elektarooniga.



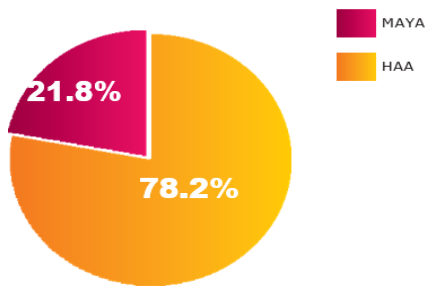
Su'aasha 9aad: Xukunka asbaabtiisa lagu dhiso caddaymaha elektarooniga maka xoog badanyahay kan lagu dhiso caddaymaha caadiga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 50.9% waxa ay ku jawaabeen in uu xoog badan yahay xukunka lagu dhiso caddaymaha elektarooniga.



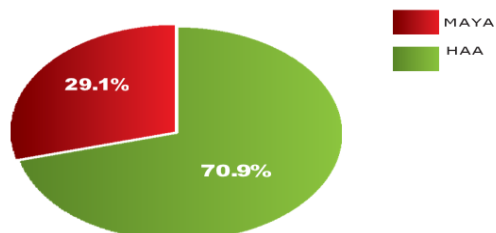
Su'aasha 10aad: Ma u malaynaysaa in habraacyada noo dagsan ay ku filan yihiin in si sax ah loogu shaqeeyo caddeymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 78.2% waxa ay ku jawaabeen in aysan ku filnayn habraacyada noo dagsan in loo adeegsado caddaymaha elektarooniga.



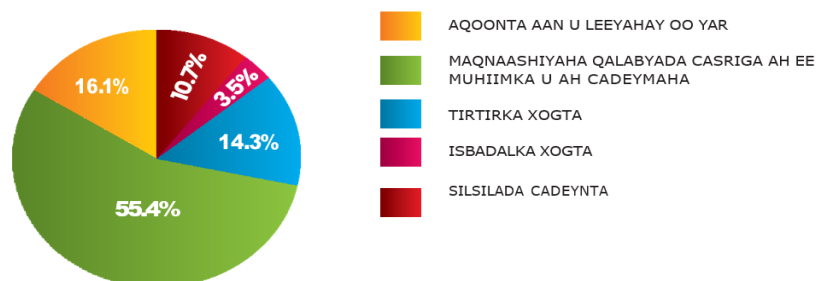
Su'aasha 11aad: Khibradaada shaqo wali ma adeegsatay caddaymaha elektarooniga ah si aad ugu dhiso kiiskaaga?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 70.9% waxa ay ku jawaabeen in ay adeegsadeen caddaymaha elektarooniga ah.



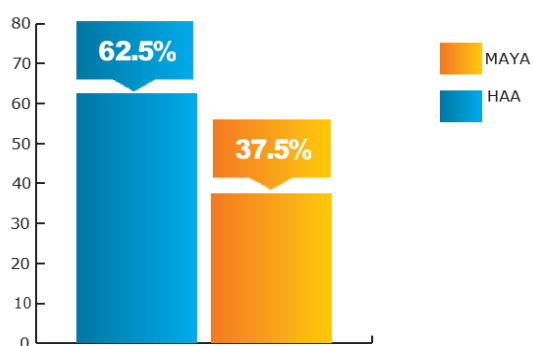
Su'aasha 12aad: Maxay yihiin caqabadaha ugu waaweyn ee aad kala kulanto ururinta, adeegsiga iyo ilaalinta caddeymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 55.4% waxa ay ku jawaabeen maqnaanshaha qalabyada casriga ah oo muhiim u ah caddaynta elektarooniga.



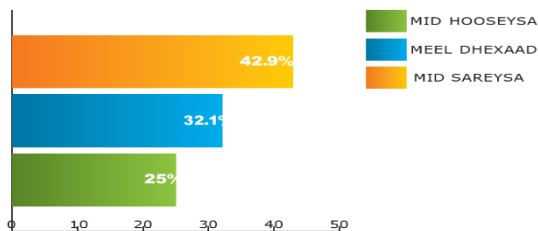
Su'aasha 13aad: Qalabyada casriga ah ee loo adeegsado falanqaynta caddeymaha elektarooniga ah oo ay kamid yihiin Cellebrite iyo EnCase, ma isleedahay aqoon ayay uleeyihiin howlwadeenada garsoorka iyo hay'adaha baarista oo waxa ay u adeegsan karaan falanqaynta caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 62.5% waxa ay ku jawaabeen in aysan aqoon ulahayn qalabyada casriga ah ee lagu falanqeeyo caddaymaha elektarooniga.



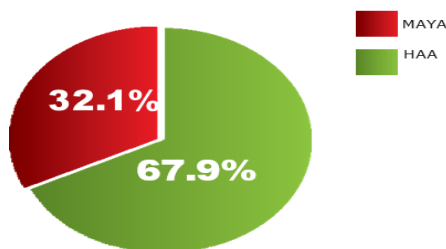
Su'aasha 14aad: Sidee u aragtaa wada shaqeynta u dhaxeysa waaxda forence'ga CID iyo hay'adaha garsoorka?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 42.9% waxa ay ku jawaabeen in wadashaqaynta ay sarayso.



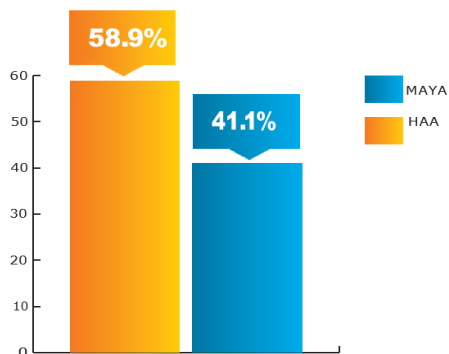
Su'aasha 15aad: Garsoorayaasha, Xeer Ilaaliyaasha, Qareenada, Kaaliyaasha iyo Baarayaasha, ma isleedahay faham fiican bay ka haystaan caddaymaha elektarooniga ah?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 67.9% waxa ay ku jawaabeen in aysan faham fiican ka haysan caddaymaha elektarooniga ah.



Su'aasha 16aad: Ma u aragtaa in bulshada iyo howlwadeennada kale ee sharciga ay si wanaagsan u fahmeen kaalinta caddeymaha elektarooniga ah ee cadaaladda?

Jawaabta: Howl-wadeenada aan su'aashan waydiiyay 58.9% waxa ay ku jawaabeen in aysan sifiican u fahmin kaalinta caddaymaha elektarooniga ah.



Qiimaynta aqoonta howl-wadeenada garsoorka ee maaraynta caddaymaha elektarooniga ah waa tallaabo lagama maarmaan u ahayd cilmi baaristaan si aan u gaado aqoont iyo tababarka howl-wadeenada ee la tacaalida xogta elektarooniga ah.

Ugudambayntii: qiimayntaas aan sameeyay waxaa kasoo baxay in aad u yartahay aqoonta howl-wadeenada garsoorka ee maaraynta caddaymaha elektarooniga loona baahan yahay in ay helaan aqoon sare iyo xirfado farsamo oo ay ku maareeyaan caddaymaha elektarooniga, si ay qeyb uga qaataan xaqiijinta cadaalad ku dhisan caddaymo sax ah. Si loo gaaro yoolkan, waa muhiim in la sameeyo tababarro joogto ah, nidaamyo qiimeyn ah, iyo iskaashi lagu horumarrinayo aqoonta iyo xirfadaha howl-wadeenada.

Gunaanad

Caddaymaha elektarooniga ah waa xudunta garsoorka ee casriga ah, waxa ay awood u siiyaan garsoorka in si degdeg ah oo hufan loo xaqiijiyo xaqiiqooyin qarsoon, iyada oo laga faa'iidayso horumarka tiknoolajiyada, sidaas oo kale waxa ay buuxiyeen boos muhiim u ah nidaamyada garsoorka iyo maaraynta khilaafaadka. Cilmi-baaristaan, oo aan ku falanqeeyey qeexitaanada, noocyada kala duwan ee caddaymaha elektarooniga ah, muhiimada caddaymaha elektarooniga, caqabadaha iyo doorka howl-wadeenada garsoorka, waxa ay caddeysay muhiimadda ay leedahay maareynta saxda ah ee caddaymaha elektarooniga ah.

Mustaqbalka tiknoolajiyadu sii korodho, caddaymaha elektarooniga ah waxa ay sii noqon doonaan qeyb muhiim ah oo xaqiijinaysa in nidaamka garsoorku u shaqeeyo si cadaalad ah, hufan, oo casri ah.

Talooyin

Si loo horumariyo kaalinta caddaymaha elektarooniga ah ee garsoorka waxaa lagama maarmaan ah in la sameeyo talaabooyinkaan hoos ku xusan:

1. Tababarro joogto ah: Waxaa muhiim ah in howl-wadeenada garsoorka loo abaabulo tababarro joogto ah oo ku saabsan caddaymaha elektarooniga ah.
2. Sharciyo loo sameeyo caddaymaha elektarooniga ah: Waa muhiim in la dejiyo shuruuc iyo habraacyo cad oo waafaqsan tiknoolajiyada casriga ah isla markaana nidaamiya maaraynta iyo soo bandhigista caddaymaha elektarooniga ah.
3. Qalabaynta garsoorka: Waa in garsoorka lagu qalabeeyo tiknoolajiyad casri ah oo fududeynaysa maareynta xogta elektarooniga ah.

4. Helida khuburo ku xeel-dheer caddaymaha elektarooniga: Waxaa muhiim ah in garsoorayaasha, xeer ilaaliyaasha iyo howl-wadeenada kale ee garsoorka ay helaan khubaro ku takhasustay caddaymaha elektarooniga oo si dhow ula shaqeeyaan.
5. Kor u qaadista wacyigelinta: In kor loo qaado wacyigelin lagu sameeyo muhiimadda caddaymaha elektarooniga ah iyo sida loogu adeegsado nidaamka garsoorka.
6. Qiimayn joogto ah: Waa in la sameeyo nidaam lagu qiimeeyo heerka aqoonta howl-wadeenada ee ku saabsan maaraynta caddaymaha elektarooniga ah.
7. Amniga iyo ilaalinta xogta: Waa in la dejiyo habab adag oo lagu ilaaliyo xogta elektarooniga ah, si looga hortago wax isdaba marrin ama jabsashada.

TIXRAACYO

Buugaagta Engliishka:

Annarita Puglielli iyo Cabdalla Cumar Mansuur. (2012). *QAAMUUSKA AF–SOOMAALIGA*.

Act. (1986). *Electronic Communications Privacy Act*.

Amelia Phillips, Bill Nelson, Christopher Steuart. (2018). *Guide to Computer Forensics and Investigations* .

Bill Nelson, A. P. (2004). *Guide to Computer Forensics and Investigations*.

Bill Nelson, Amelia Phillips, Christopher Steuart. (2018). *Guide to Computer Forensics and Investigations*.

Britz, M. T. (2019). *Cybercrime and Digital Forensics: An Introduction*. *Cambridge English Dictionary*. (n.d.).

Casey, E. (2011). *Digital Evidence and Computer Crime*.

Casey, E. (2011). *Digital Evidence and Computer Crime*.

Casey, E. (2011). *Digital Evidence and Computer Crime: Forensic Science, Computers, and the Internet*.

Clancy, T. K. (2022). *Cyber Crime and Digital Evidence: Materials and Cases*.

Daniel Garrie & Yoav Griver. (2014). *Electronic Communication Evidence in Civil and Criminal Cases*.

Florida Department of State, D. o. (2010). *Electronic Records and Records Management Practices*.

Martin Hannibal and Lisa Mountford. (2022). *Criminal Litigation*.

Mason, S. (2016). *Electronic Signatures in Law*.

Mason, S. (2017). *Electronic Evidence: Disclosure, Discovery & Admissibility*.
numérique, p. 1. (2004). *pour la confiance dans l'économie numérique*.

Rice, P. R. (2005). *Electronic Evidence: Law and Practice*.

Saferstein, R. (2015). *Introduction to Forensic Science*.

Stephen Mason and Daniel Seng. (2021). *Electronic Evidence and Electronic Signatures*.

Sweet & Maxwell. (2020). *Law of Evidence*.

Buugaagta Carabiga:

- الأمين، د. ع. (2010). *الإثبات القضائي مفهومه وأهميته في القضاء وتنظيمه التشريعي*.
الجزائري، ت. ق. (2005). *تعديل قانون المدني الجزائري*.
الدكتور خالد ممدوح إبراهيم. (2009). *الجرائم المعلوماتية*.
المصري، ق. أ. (2004). *قانون التوقيع الإلكتروني المصري*.
المطلب، م. ع. (2006). *البحث والتحقيق الجنائي الرقمي في جرائم الكمبيوتر والإنترنت*.
د. مبارك بن محمد الخالدي. (2024). *الإثبات بالدليل الرقمي وتطبيقاته القضائية*.
عبدالرزاق المرجان، محمد شوقي، يوسف السبعوي، محمد المنشاوي. (2024). *الدليل الاسترشادي للتعامل مع الأدلة الجنائية الرقمية في الدول العربية*.
علي بن محمد الشريف الجرجاني. (1985). *كتاب التعريفات*.
غريب، أ. ز. (2018). *حجية البريد الإلكتروني في الإثبات*.
قانون الإثبات في المعاملات المدنية والتجارية لدولة الإمارات العربية المتحدة. (2023).
قانون مكافحة جرائم تقنية المعلومات في مصر. (بلا تاريخ).
محمد شوقي و عبدالرزاق المرجان. (2021). *الدليل الاسترشادي للتعامل مع الأدلة الجنائية الرقمية في الدول العربية*.
محمد مصطفى الزحيلي. (1982). *وسائل الإثبات في الشريعة الإسلامية*.
نظام الإثبات في المملكة العربية السعودية. (2021).

LINKIYADA:

Retrieved from https://au.int/sites/default/files/treaties/29560-treaty-0048_-_african_union_convention_on_cyber_security_and_personal_data_protection_e.pdf

Retrieved from

https://www.europarl.europa.eu/meetdocs/2014_2019/documents/libe/dv/7_conv_budapest_/7_conv_budapest_en.pdf

Retrieved from https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/06-57452_ebook.pdf

Retrieved from [https://eur-lex.europa.eu/legal-](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32016R0679)

[content/EN/TXT/PDF/?uri=CELEX%3A32016R0679](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A32016R0679)

Retrieved from

https://www.uscourts.gov/sites/default/files/evidence_federal_rules_pamphlet_dec_1_2023.pdf

Retrieved from [https://eur-lex.europa.eu/legal-](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG)

[content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG)

Retrieved from <https://sso.agc.gov.sg//SL/S335-2012>

Retrieved from

https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf

Retrieved from

<https://www.mof.gov.sa/docslibrary/RegulationsInstructions/DocLib/%D9%86%D8%B8%D8%A7%D9%85%20%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%85%D9%84%D8%A7%D8%AA%20%D8%A7%D9%84%D8%A5%D9%84%D9%83%D8%AA%D8%B1%D9%88%D9%86%D9%8A%D8%A9.pdf>

Retrieved from

<file:///C:/Users/user/Downloads/Federal%20Law%20No%201%20of%202006%20%20On%20Electronic%20Commerce%20and%20Transactions%20English.pdf>

Retrieved from https://www.gov.za/sites/default/files/gcis_document/201409/a25-02.pdf

Retrieved from https://rsf.org/sites/default/files/the_cyber_crime_act_2015.pdf

Retrieved from <https://ulii.org/akn/ug/act/ord/1909/11/eng%402000-12-31>

Retrieved from

https://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/EvidenceAct_Cap80.pdf

Retrieved from [https://blaw05.wordpress.com/wp-](https://blaw05.wordpress.com/wp-content/uploads/2015/10/xeerka_ciqaabta_revised.pdf)

[content/uploads/2015/10/xeerka_ciqaabta_revised.pdf](https://blaw05.wordpress.com/wp-content/uploads/2015/10/xeerka_ciqaabta_revised.pdf)

Retrieved from [https://www.osagsomalia.com/media/documents/bulletins-](https://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga_Hayadda_Nabadsugidda_iyo_Sirdoonka_Qaranka.pdf)

[contents/legislation/2023/Sharciga_Hayadda_Nabadsugidda_iyo_Sirdoonka_](https://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga_Hayadda_Nabadsugidda_iyo_Sirdoonka_Qaranka.pdf)

[Qaranka.pdf](https://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga_Hayadda_Nabadsugidda_iyo_Sirdoonka_Qaranka.pdf)

Retrieved from [https://www.osagsomalia.com/media/documents/bulletins-](https://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga_La-dagaalanaka_Argagaxisada_.pdf)

[contents/legislation/2023/Sharciga_La-dagaalanaka_Argagaxisada_.pdf](https://www.osagsomalia.com/media/documents/bulletins-contents/legislation/2023/Sharciga_La-dagaalanaka_Argagaxisada_.pdf)

DHAMMAAD

QORMADA 5AAD**QIIMEYNTA QOONDADA MIISAANIYADDA IYO DEDAALLADA CASRIYEYNTA
GARSOORKA****Dr. Cali Yaasiin Sheekh**

Dr. Ali Yassin Sheikh has over 15 years of hands-on experience and in-depth knowledge in the areas of inclusive economic growth, governance, and social development; national development planning, inter-government working arrangements; political-economic analysis; and participatory public expenditure management (PPEM).



Dr. Ali has worked with the private and public sectors in Somalia and has a strong background in working on financial reforms and is engaged in research and knowledge production with a special focus in the areas of fiscal federalism and human capital development.

Dr. Ali Yassin Sheikh is an academician with a Doctorate in Business Management and a Master's in Economic Policy and Planning. Prior to his current role as Deputy Governor and Deputy Chair of the CBS Board of Directors, he served as the Macroeconomics and Research Department Director for the Central Bank of Somalia.

Dr. Ali Yassin Sheikh.

Examining Budget Allocations and Judicial Modernization Efforts in Somalia

1. Background

The judiciary is a cornerstone of democracy, ensuring justice, upholding the rule of law, and protecting individual rights. In Somalia, the effectiveness of the judiciary is increasingly critical as the country strives to establish stability and foster development after years of conflict and instability. This study provides a comprehensive analysis of the judiciary's share of the federal budget, focusing on judicial modernization, financial independence and the implications of current funding practices.

The Somali Federal Government's budget for 2025 experienced a significant increase from \$1.079 billion to \$1.342 billion compared to the previous year, reflecting a percentage increase of approximately 20.56%. However, the allocation for the judiciary remains alarmingly low, with only \$6.429 million designated for judicial functions—less than 0.47% of the national budget, a slight decline from 0.55% in 2024. This stark contrast underscores the systemic undervaluation of the judiciary relative to other sectors, such as defense and social services, which have received substantial funding increases. The limited financial resources allocated to the judiciary not only impede its operational capacity but also jeopardize its independence and credibility.

This small share of the budget presents significant challenges to judicial modernization efforts. A well-resourced judiciary is essential for fostering public trust and confidence in legal systems, yet the current funding levels hinder the ability of judicial institutions to enhance their capabilities, improve access to justice, and address operational demands effectively. In recent years, policymakers have increasingly recognized the importance of investing in the judiciary to promote these goals. However, without adequate funding, the judiciary struggles to modernize, which impedes its effectiveness in delivering timely and fair justice.

Financial independence is vital for the judiciary to function effectively and free from external pressures. Article 106 of the Somali Provisional Constitution emphasizes the judiciary's independence; however, the current funding structure raises concerns about the practical realization of this mandate. The judiciary's financial dependence on the legislative and executive branches poses risks of politicization, potentially compromising judicial impartiality and integrity. Moreover, an independent judiciary is essential for fostering public confidence in the legal system, which is crucial for attracting investment and promoting economic development. Numerous studies demonstrate a correlation between judicial independence and economic growth,

suggesting that a well-functioning judiciary is indispensable for creating a favorable business environment and ensuring contract enforcement.

This study examines last decade's trends in budget allocations for the judiciary from 2015 to 2024, analyzing the implications of financial dependency and conducting comparative budgetary assessments with other branches of government. By highlighting the judiciary's constrained financial position, the study advocates for a more equitable allocation that acknowledges the judiciary's crucial role in Somalia's modernization, stabilization, and development efforts. Ensuring adequate funding for the judiciary is not just a financial matter; it is a vital component of safeguarding democracy and advancing social justice in Somalia.

The judiciary's responsibility in upholding the rule of law and protecting individual rights is essential, and adequate funding is critical for the effective functioning of judicial institutions. This directly affects their capacity to deliver timely and fair justice. This analysis reviews budget allocations for key judicial entities, including the Appeal Court, Attorney General's Office, Banadir Regional Court, and Supreme Court, with a focus on their modernization needs.

2. Judiciary Budget Review: Trends and Analysis (2015-2024)

The figure 1 presents the budget allocation for the judicial system from 2015 to 2024, showcasing a general upward trend throughout this period. Notably, there are significant increases in funding after 2020, culminating in a peak in 2023, which reflects a relatively higher funding in the judicial sector aimed at improving efficiency and access to justice. In contrast, the budget for 2024 appears to stabilize at a level slightly lower than that of 2023. Overall, the figure illustrates consistent growth in judicial funding, underscoring an increasing emphasis on prioritizing financial resources to support judicial modernization and enhance the effectiveness of the system.

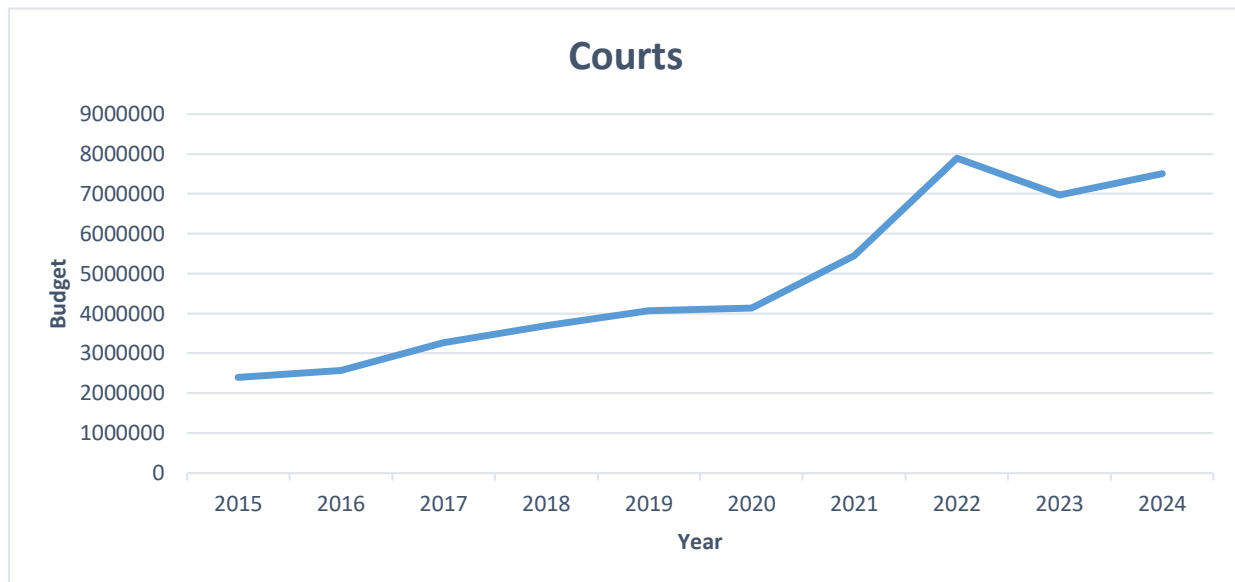


Figure 1: Budget Allocation Trends for Judicial Authority (2015-2024)

Figure 2 illustrates the budget allocated to the Appeal Court from 2015 to 2024, showing a clear upward trend. Starting at approximately 204,144 in 2015, the budget gradually increased to about 272,399 by 2018, reflecting a consistent investment in judicial operations. A notable spike occurs in 2019, where the budget reaches around 429,993, before stabilizing at the same amount in 2020. The most significant increase happens in 2021, when the budget jumps to approximately 1,040,893, likely due to enhanced operational demands. From 2022 onwards, the budget fluctuates slightly around 900,000 to 1,000,000, indicating a focus on resource management. The dotted trend line highlights the overall growth, emphasizing a commitment to strengthening the judiciary and enhancing access to justice. This trajectory reflects policymakers' recognition of the importance of a well-funded judiciary in promoting the rule of law and ensuring fair trials.

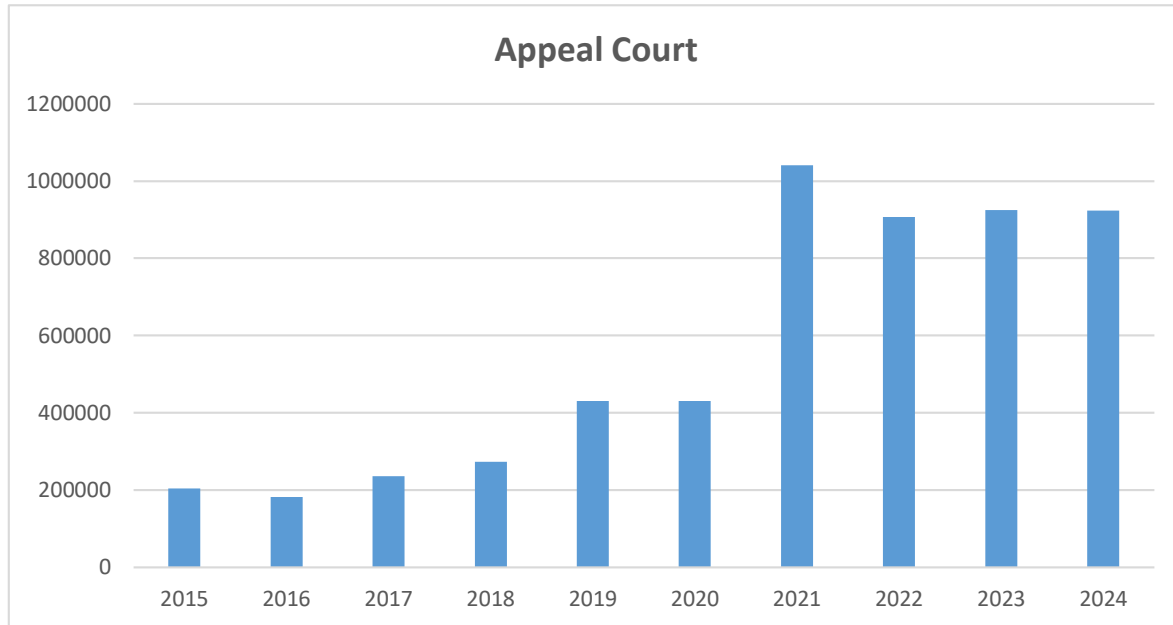


Figure 2: Annual Budget Growth of the Appeal Court (2015-2024)

The graph illustrates the budget allocation for the Attorney General's office from 2015 to 2024, showing a clear upward trend. Starting at approximately 681,400 in 2015, the budget gradually increases to around 1,091,700 in 2017 and 1,471,800 in 2018, reflecting a commitment to enhancing resources. Although there is a slight dip to about 1,217,800 in 2019, the budget rebounds in 2020 to approximately 1,474,900 and peaks at around 1,919,400 in 2021, indicating a focus on expanding the office's capabilities. From 2022 onward, the budget stabilizes just above 1,800,000, with minor fluctuations, suggesting a phase of effective resource management rather than aggressive growth. Overall, the upward trajectory highlights the increasing recognition of the Attorney General's role in upholding the law and protecting public interests.

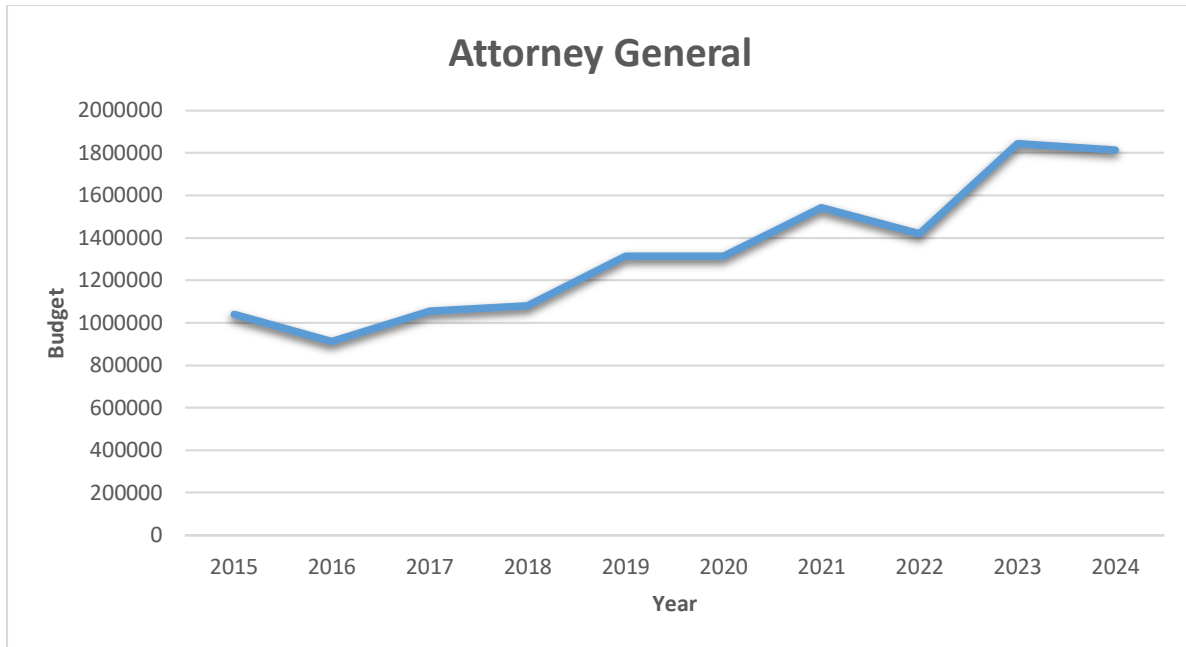


Figure 3: Annual Budget Allocation of the Attorney General's Office (2015-2024)

The graph illustrates the budget allocation for the Banadir Regional Court from 2015 to 2024, showing a general upward trend. Starting at approximately 1,100,000 in 2015, the budget decreases slightly to around 1,024,000 in 2016 but begins to recover in 2017, reaching about 1,200,000. The budget increases significantly to around 1,800,000 in 2019 and continues to rise to approximately 2,000,000 in 2020, reflecting a renewed commitment to the court. From 2021 onward, the budget stabilizes around the 2,000,000 marks, reaching about 2,300,000 in 2024. This trend highlights the growing recognition of the judiciary's importance in promoting the rule of law and ensuring access to justice, with consistent investments indicating a commitment to strengthening the court's capabilities.

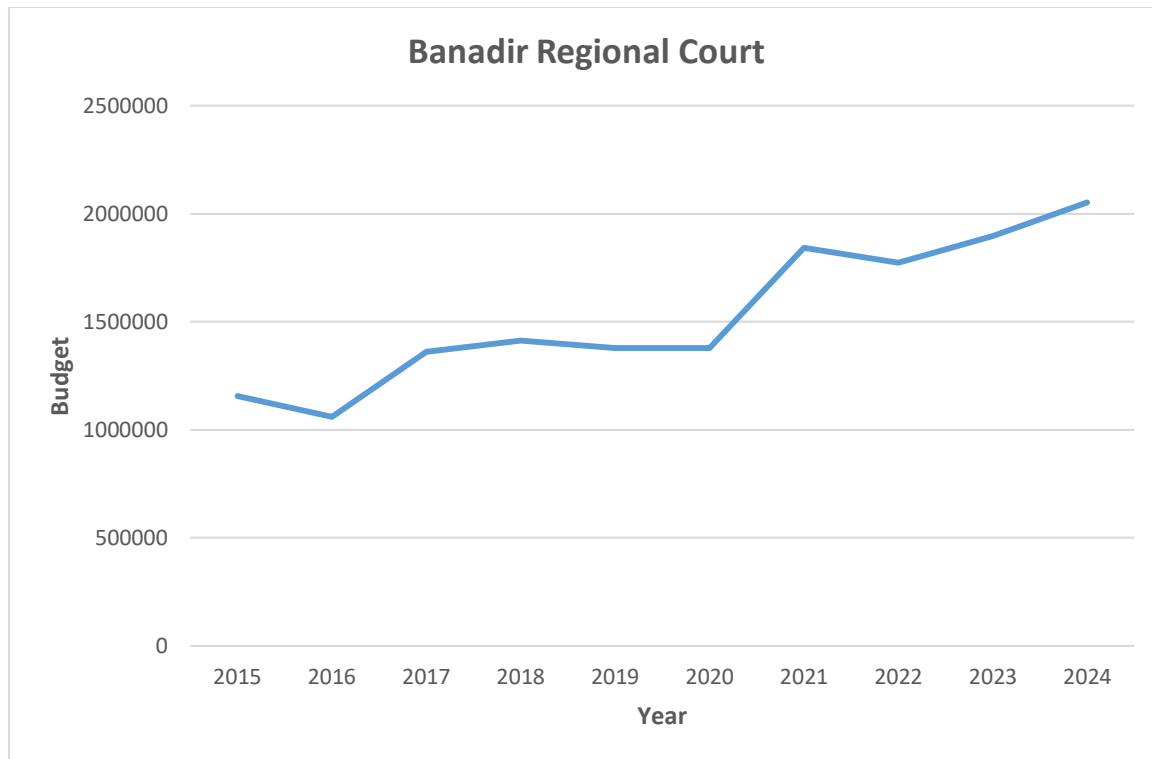


Figure 4: Budget Trends for the Banadir Regional Court (2015-2024)

The graph illustrates the budget allocation for the Supreme Court from 2015 to 2024, showing a notable upward trend. Starting at approximately 750,000 in 2015, the budget gradually increases to about 1,200,000 in 2017 and continues to rise, reaching around 2,000,000 in 2019. A significant jump occurs in 2020, when the budget surges to approximately 3,800,000, reflecting a strategic decision to enhance resources. In 2021, the budget peaks at around 4,000,000, indicating a strong commitment to strengthening the judiciary. Although the budget decreases slightly to about 3,500,000 in 2022, it stabilizes around 3,600,000 in 2023 and 2024, demonstrating a sustained investment in the Supreme Court's capabilities and ensuring access to justice.

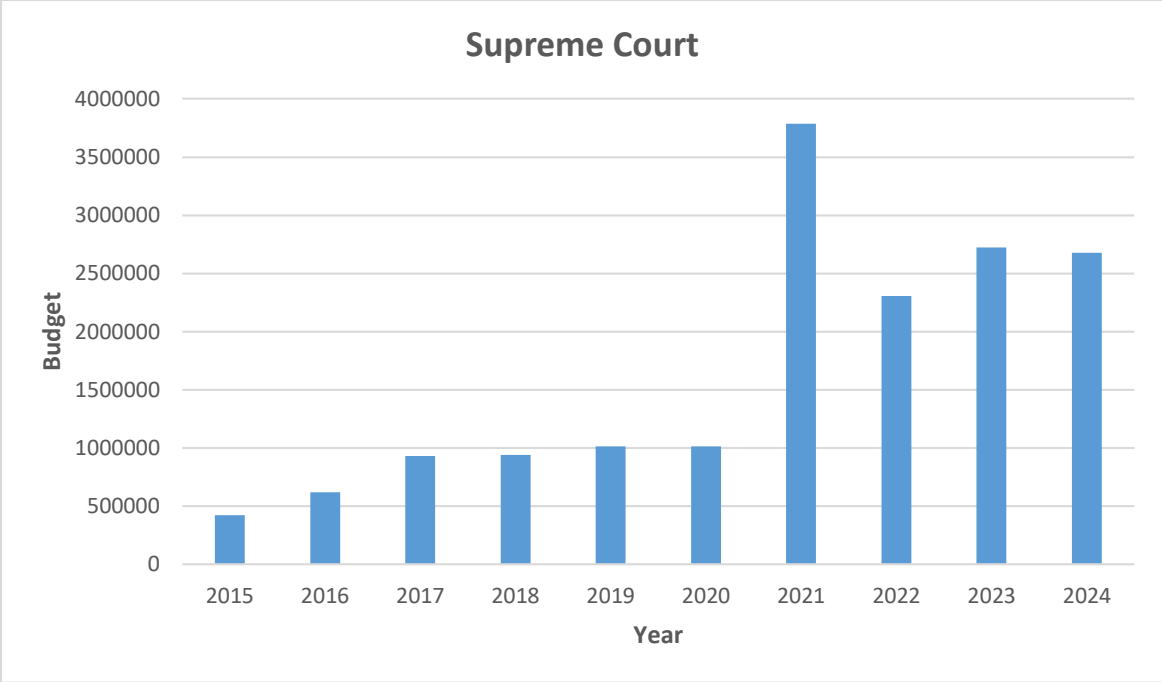


Figure 5: Supreme Court Budget Analysis: A Decade Overview

3. Comparative Analysis of Government Budget Allocations (2022-2024)

The budget allocations for various government sectors from 2022 to 2024 provide a rich basis for comparative analysis, particularly focusing on the Judicial Authorities and the Attorney General's Office. By examining these entities in relation to other sectors such as the Presidency, Parliament, and Ministry of Finance, Defense and security as well as the economic and social sectors, we can gain insights into governmental priorities and the emphasis placed on the rule of law and legal enforcement.

In recent years, legal and justice institutions have faced numerous modernization challenges that complicate their ability to function effectively. As societies evolve, the demand for more efficient, transparent, and accessible judicial processes has intensified. Factors such as **increasing caseloads, the need for technological integration, and the pressure to uphold human rights standards** have underscored the necessity for reform within the judiciary and legal frameworks.

The limited budget allocations for the Judicial Authorities and the Attorney General's Office highlight a pressing concern: without adequate funding, these institutions may struggle to implement necessary modernization initiatives. For instance, investing in technology can streamline case management, enhance data sharring, and improve access to legal resources for citizens. Additionally, training programs for legal

professionals are essential to ensure they are equipped to handle contemporary legal challenges, including cybercrime and complex regulatory issues.

A. Judicial Authorities and Attorney General: Budget Overview

The Judicial Authorities are allocated \$5,078,630 in 2022, which rises modestly to \$5,736,327 in 2023 and further to \$5,990,452 in 2024. This gradual increase reflects a recognition of the importance of maintaining an effective judiciary, yet it is relatively small compared to the budgets of other sectors. In contrast, the Attorney General's Office receives \$1,504,644 in 2022, with increases to \$1,807,548 in 2023 and \$1,809,548 in 2024. While the Attorney General's budget does show growth, it remains significantly lower than that of the Judicial Authorities, indicating a potential imbalance in funding priorities within the legal framework and between overall governmental sectors.

B. Comparative Analysis with Other Sectors

When comparing the budgets of the Judicial Authorities and the Attorney General's Office to other government sectors, the disparity becomes apparent. For example, the Ministry of Finance receives a staggering increase from \$175,441,832 in 2022 to \$224,514,455 in 2024, reflecting a strong governmental focus on financial management and economic stability. Similarly, the Defense and Security sector sees a dramatic rise from \$169,968,796 in 2022 to \$255,626,335 in 2024, indicating a prioritization of national security. In contrast, the relatively small budget increases for the Judicial Authorities and the Attorney General raise concerns about the adequacy of resources available for legal processes and the enforcement of laws.

C. Implications for Governance and Justice

The limited budgetary growth for the Judicial Authorities and the Attorney General's Office has significant implications for governance and the justice system. A well-funded judiciary is essential for upholding the rule of law, ensuring timely legal proceedings, and maintaining public trust in the legal system. Insufficient funding may lead to **backlogs, delays in case processing, and reduced access to justice for citizens**. Furthermore, the Attorney General's Office, responsible for prosecuting crimes and representing the government in legal matters, may struggle to fulfill its mandate effectively if its budget remains disproportionately low.

D. Balancing Priorities

The comparative analysis underscores the need for a balanced approach to budgeting that recognizes the critical roles played by the judiciary and legal enforcement agencies. While sectors like the Ministry of Finance and Defense are vital for economic and national security, it is equally important to invest in the judicial system. A robust budget for the Judicial Authorities and the Attorney General's Office is crucial for maintaining an effective justice system that can operate independently and efficiently.

In brief, the budget allocations for the Judicial Authorities and the Attorney General's Office highlight a significant disparity when compared to other governmental sectors. Despite modest increases, their funding remains insufficient relative to the critical functions they serve in upholding justice and the rule of law. As the government prioritizes sectors such as finance and defense, it must also ensure that adequate resources are allocated to the judiciary and legal enforcement agencies. Balancing these budgetary priorities is essential for fostering a fair and effective justice system that upholds democratic principles and serves all citizens.

Table: Budget Allocations Across Key Government Sectors (2022-2024)

No.	Sector	2022	2023	2024
1	Presidency	12,385,534	11,527,780	11,527,780
2	Parliament	26,828,155	29,116,569	34,886,661
3	Prime Minister	16,857,137	10,056,897	9,056,897
4	Ministry of Foreign Affairs	9,640,310	9,063,232	9,327,232
5	Ministry of Finance	175,441,832	180,588,391	224,514,455
6	Defence and Security	169,968,796	194,561,275	255,626,335
7	Economic Services	56,987,837	148,226,355	232,106,530
8	Social services	198,221,377	245,082,020	208,675,147
9	Judicial Authorities	5,078,630	5,736,327	5,990,452
10	Attorney General	1,504,644	1,807,548	1,809,548

4. Financial Independence of the Judiciary

Article 106 of Somalia's federal provisional constitution declares unequivocally and emphatically that the justice system is independent from both the executive and judicial arms of government. "No civil or criminal action shall be brought against a judge in connection with the performance of any judicial function," the article says. It

also says that a judge's house or property cannot be searched without the Judicial Service Commission's permission.¹¹¹ Approximately 200 judges and 70 prosecutors qualify for this protection at the present time.¹¹²

The independence of the judiciary is a crucial component of any constitutional system. Individual judges and the judiciary as a whole must be free from all external pressures and undue influence from the other departments of government, including financing authorities, in order for a democracy to function properly. Financial security is one of the prerequisites for judicial independence.¹¹³

The ability to strategically manage not only the salaries and benefits of judges but also the operating expenses of the judiciary provides many governments with a grip, if not a stranglehold, over the courts. This may lead to (perceptions of) bias, as illustrated in many African countries, such as Zambia and Malawi, where the timing of hikes in judges' salaries and benefits repeatedly coincided with pending court cases involving high stakes for the executive, most notably presidential election petitions.¹¹⁴ In Africa, the legislature often decides how much money the court gets and how much it pays in wages and benefits. In Latin America, on the other hand, the judiciary gets a fixed share of the budget as part of the infrastructure that protects it from undue influence.¹¹⁵

In addition, the "separation of powers" doctrine, as per Montesquieu (1748), suggests that the three authorities (executive, legislative, and judicial) must be separate and independent from one another. Each authority must check and limit the other two, and all three branches must have equal weight (the "check and balance" doctrine). In accordance with this approach, judges should be free from both internal and external pressures.

Financial autonomy is a crucial component of independence. Various branches of the Somalian judiciary draft their respective annual budgets. However, the budget can be a source of pressure and might impact judicial independence. First, despite the

¹¹¹ See article 106 (1) & (2) of PCoS. (2012). Accessed at: <http://hrlibrary.umn.edu/research/Somalia-Constitution2012.pdf>

¹¹² Rebuilding Somalia's Broken Justice System: fixing the politics, policies and procedures Accessed at: <http://www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf>

¹¹³ European Network of Council for the Judiciary (ENCJ), 2016. Accessed at: <https://rm.coe.int/1680748232>

¹¹⁴ Courts and Power in Latin America and Africa. Accessed at: <https://link.springer.com/book/10.1007/978-1-137-10029-0>

¹¹⁵ Courts, corruption and judicial independence. Accessed at: <https://www.cmi.no/publications/file/5091-courts-corruption-and-judicial-independence.pdf>

idea of separation of powers, the funding of the judiciary is in the hands of the other two authorities, which have "additional weapons" and can potentially lower the budget of the judiciary if problems emerge between the branches. Second, if judges are not adequately compensated, they may be susceptible to improper influence. Sufficient funding for judicial training can help enhance the court staff's honesty and proficiency. An efficient judiciary is indispensable to attain Somalia's current development objectives.

According to the extant literature on this topic, administrative autonomy and fiscal independence for the judiciary prohibit the government from "starving" the judiciary—or from awarding judges when crucial decisions are pending. Such issues are avoided when the judiciary is guaranteed a portion of the public budget. The jurisdiction of the courts is a related problem. Even though article 106 protects judicial officials, interviewees claim they are at the mercy of politicians for two reasons. First, political leaders at both the federal and state levels still have the power to appoint and fire judicial officials. Second, the judicial branch of government is not only underfunded but leaders also use the "power of the purse" to force justice officials to do what they want.¹¹⁶

5. The Budget's Role in Modernizing Somalia's Judiciary

Globally authoritarian regimes have eroded public trust and delegitimized Judiciaries. By clawing at its independence and spreading disinformation and false narratives about the Judiciary, authoritarian regimes can undermine public confidence in its independence and impartiality.¹¹⁷ The judiciary plays a crucial role in governance and the rule of law in Somalia, encompassing the court system, legal frameworks, and law enforcement. It typically consists of various levels of courts, including local, regional, and supreme courts, and is responsible for interpreting laws, resolving disputes, and ensuring justice is served. However, the judiciary faces significant challenges, such as lack of resources, political interference, and issues related to access to justice for marginalized communities. Ongoing reform efforts aim to strengthen the judiciary, improve transparency, and enhance public trust.¹¹⁸

¹¹⁶ Rebuilding Somalia's Broken Justice System: fixing the politics, policies and procedures Accessed at: <http://www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf>

¹¹⁷ <https://africajurists.org/report-on-the-state-of-judicial-independence-in-east-africa-contemporary-threats-and-mitigation-strategies-webinar/>

¹¹⁸ <https://mop.gov.so/wp-content/uploads/2022/07/Somali-National-Development-Plan-9-2020-2024.pdf>

In Somalia, ensuring judicial independence is paramount for the effective functioning of the legal system, especially in a context marked by years of conflict and instability. A sufficient budget allocation is crucial for maintaining the independence of the judiciary from the executive and legislative branches. When the judiciary is adequately funded, it can operate free from external pressures, which is essential for upholding the rule of law and ensuring fair trials. Without financial independence, the Somali judiciary risks becoming susceptible to political influence, undermining its role as an impartial arbiter in a society in desperate need of justice.

In addition to independence, financial resources enhance the operational capacity of the judiciary in Somalia. Adequate funding allows for the hiring and training of qualified personnel, significantly improving the overall efficiency and effectiveness of judicial operations. This includes judges, prosecutors, and administrative staff, all of whom are vital for restoring public trust in the judicial process. A well-resourced judiciary can better manage caseloads, reduce backlogs, and ensure timely justice for all citizens, which is crucial in a country facing a myriad of legal challenges.

Judicial modernization emphasizes several interconnected areas, including infrastructure, budgeting, human resource management, and ICT integration. First, there is a crucial need for adequate courtrooms and facilities for judges, alongside improved accessibility for persons with disabilities. Additionally, enhancements in essential amenities are necessary to create a user-friendly environment. Moreover, budgeting challenges highlight the need for better coordination in the utilization of financial resources, particularly in e-Courts projects. Furthermore, high vacancy rates among judges and court staff signify the necessity for regular recruitment. While women's representation has increased, their presence in higher positions remains low, and marginalized communities are underrepresented. Finally, ICT initiatives such as e-filing and digitization aim to modernize the judicial system, ultimately enhancing efficiency, inclusivity, and access to justice.¹¹⁹

Infrastructure development is another critical aspect supported by a stable budget. Adequate funding enables the construction and maintenance of modern court facilities equipped with the necessary technology and resources. In Somalia, where many court systems are underdeveloped or non-existent, establishing modern courthouses is essential for facilitating efficient proceedings and ensuring access to justice for all citizens. Modern facilities can significantly improve the quality of legal proceedings and the overall experience for users of the judicial system.

¹¹⁹ https://main.sci.gov.in/pdf/CRP/15122023_082223.pdf

The implementation of technology within the judiciary is increasingly important in today's digital age, particularly as Somalia seeks to rebuild its institutions. Financial investment is needed to integrate modern technology, such as electronic filing systems and digital case management tools. These technologies can streamline processes, reduce delays, and improve transparency in judicial proceedings, making it easier for both legal professionals and the public to navigate the judicial system.

Sufficient funding also supports legal aid and accessibility initiatives, which are particularly vital in Somalia, where many individuals lack the resources to access legal representation. Establishing legal aid programs helps ensure that marginalized and low-income individuals can exercise their rights, promoting equity within the judicial system and reinforcing the principle of justice for all. This is especially important in a society recovering from decades of conflict, where access to justice can significantly impact community stability and reconciliation.

Capacity building and training are essential components of judicial modernization, and a well-funded judiciary can invest in ongoing professional development programs for judges and court staff. This enhances their skills and knowledge, ensuring they are equipped to handle complex legal issues and uphold high standards of judicial conduct. Continuous training helps maintain the integrity and professionalism of the judiciary, which is vital for public trust and confidence in legal institutions.

Promoting public trust is critical in the Somali context, where historical grievances and skepticism toward government institutions persist. Transparency and accountability in the use of budgetary resources contribute to public confidence in the judiciary. When citizens observe that the judiciary is adequately funded and capable of performing its functions effectively, it fosters trust in the legal system. A judiciary that commands public confidence is crucial for the overall stability of Somali society.

Furthermore, a well-funded and efficient judiciary is vital for creating a favorable business environment in Somalia. Investors are more likely to engage in a country where the judiciary is perceived as strong, independent, and capable of enforcing contracts and resolving disputes effectively. This, in turn, fosters economic development, as a reliable legal system is essential for promoting trade and investment, both of which are necessary for Somalia's recovery and growth.

Finally, establishing a consistent budgetary framework for the judiciary is essential for long-term sustainability. Continuous funding supports ongoing improvements and adaptations to changing legal landscapes and societal needs. A stable budget is

crucial for implementing comprehensive judicial reform initiatives, enabling the judiciary to adopt new policies, practices, and technologies that align with international standards and best practices.

In conclusion, the judiciary's share of the budget is fundamental to the successful modernization of the judicial system in Somalia. Adequate funding enhances the independence and capacity of the judiciary, fosters public trust, and supports the overall development of a fair and effective legal system. Prioritizing judicial funding is not merely a financial consideration; it is an investment in the rule of law, human rights, and socio-economic progress in a nation striving to rebuild and secure a better future for its citizens.

6. Assessments Regarding Court’s Human and Physical Resource Requirements

Table 1: Number of courts with and without infrastructure

No	Institution	Currently Functional	With infra-structure	Total
1	Courts	107 Courts	19 Courts	107
2	Prosecution Offices	7 Offices	18 divisions	24

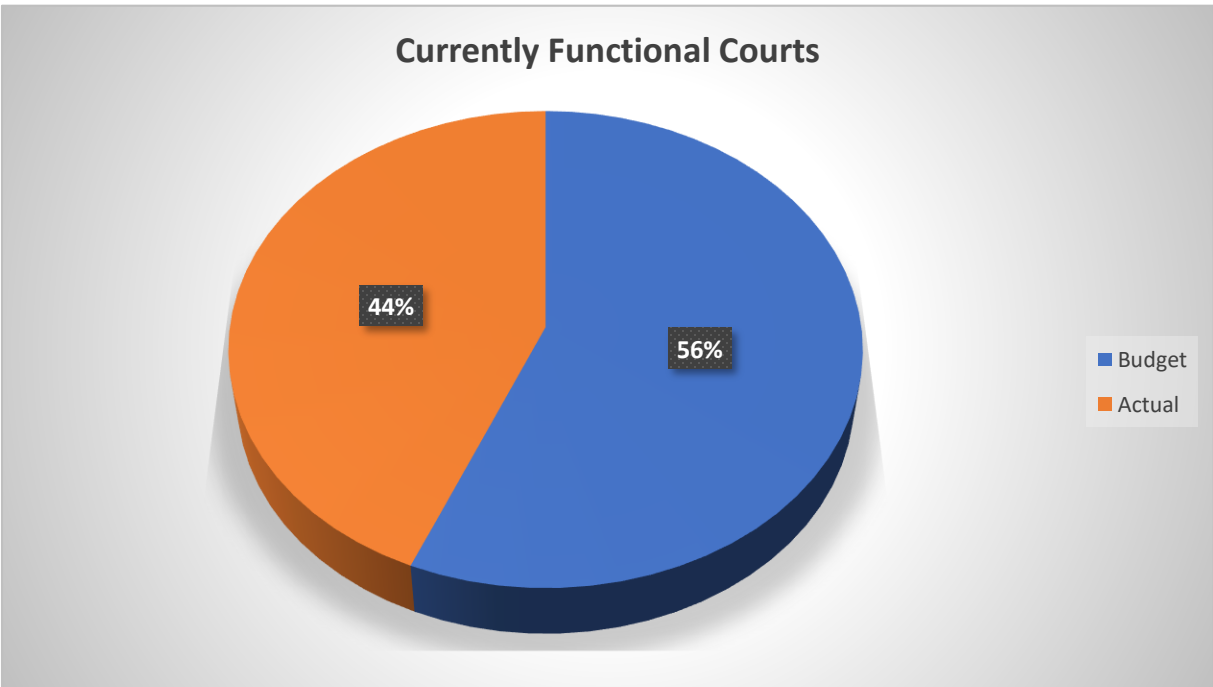


Figure 6: Pie chart revealing the percentage of courts with and without infrastructure

The number of courts equipped with the necessary infrastructure for conducting their day-to-day activities are fairly and relatively less than those without infrastructure. Throughout the whole country, both the federal government and member states have 295 judges altogether as shown in figure 7. This number seems insufficient to cover the large-scale judicial demands of the public in the country.

The numbers of judges and prosecutors per head of population are low in Somalia compared with other countries. According to data from the Ministry of Justice and Ministry of Finance, the FGS and FMS courts and AGO comprises of around 295 judges, 65 prosecutors, 16 lawyers, and at least 439 support staff— more than 800 people in total, although this figure has not been independently verified. The 295 judges would give a ratio of 2 per 100,000 inhabitants and 70 prosecutors a ratio of 0.70 per 100,000 inhabitants, both of which are relatively low.⁷⁹ However, this figure is potentially misleading in that the established courts do not cover the full geographic distribution of the population of Somalia, resulting in the ratio of judges and prosecutors to the population actually covered being potentially considerably higher.¹²⁰

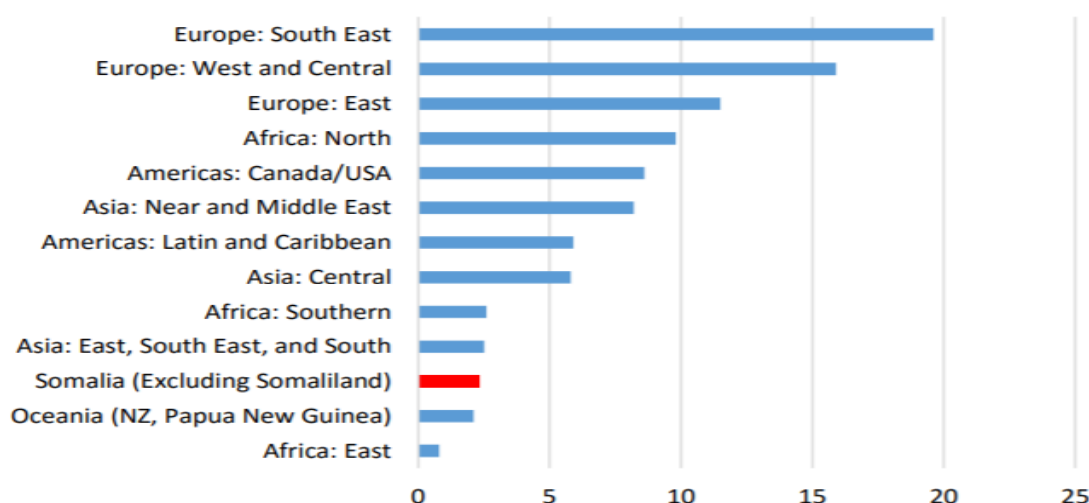


Figure 7: Professional judges per 100,000 population (medians)

¹²⁰ Federal Republic of Somalia Somalia Security and Justice Sector PER. Accessed at: <https://documents1.worldbank.org/curated/en/644671486531571103/pdf/Somalia-Security-and-justice-sector-public-expenditure-review.pdf>

Source: Adapted from “International Statistics on Crime and Justice,” UNODC and HEUNI, pp. 117 – 118

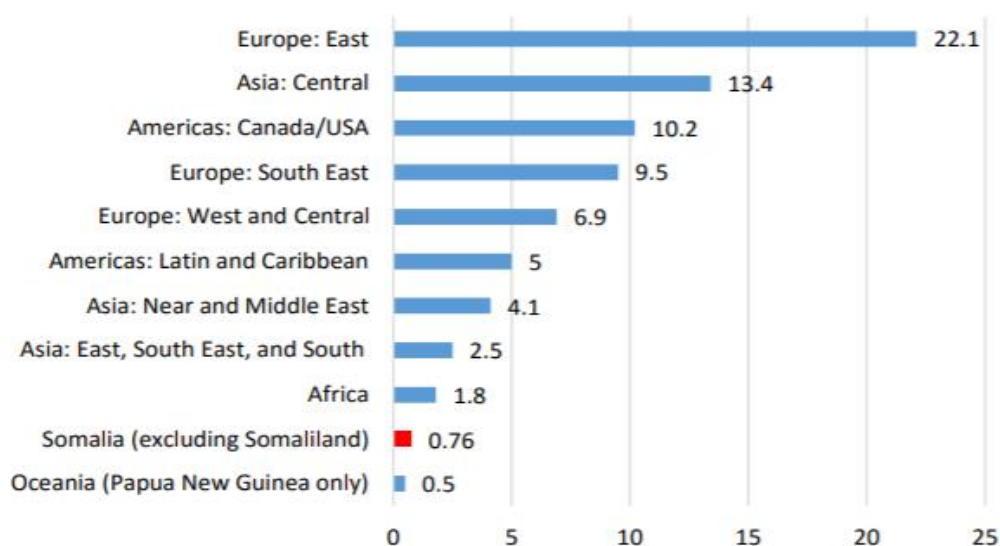


Figure 8: Prosecutors per 100,000 population by regions and sub-regions (medians)

Source: Adapted from “International Statistics on Crime and Justice,” UNODC and HEUNI, pp. 117 – 118

7. Judicial Compensation: Comparative Analysis

Table 2: Relative pay of judges in three different countries

	Levels of Remuneration	Salary (Kenya)	Salary (Somalia)	Salary (USA)
1	Chief Justice	USD 13,000		USD 23,375
2	The Supreme Court judges	USD 12,180	USD 2,000	USD 22,360
3	The Court of Appeal judges	USD 11,500	USD 1,135	USD 19,300
4	District Court judges	USD 10,000	USD 900	USD 18,216

One vital way of assuring judicial independence is to guarantee that judges need not fear that their salaries will be reduced if they render unpopular or controversial

decisions. Judiciary free from control by the Executive and the Legislature is essential if there is a right to have claims decided by judges who are free from potential domination by other branches of government.¹²¹ For instance, in some constitutions, the Compensation Clause does not forbid increases in judicial pay; rather it prohibits only reductions in judges' salaries. This aspect of the clause undoubtedly reflects the notion that the prospect of a pay cut poses a greater threat to judicial independence than does a pay raise. That compensation must ensure public confidence in the independence of judges as well as attract high-quality legal talent to the multiple levels of courts.

According to legal experts, it is said that judicial independence can only be achieved through maintaining the separation of power principle by creating—and implementing—frameworks that reinforce absolute judicial autonomy. In an interview with Adam S. Jama, a lawyer who spent over a decade helping Somalia improve its legal and justice systems, noted that “Judicial tenure, selection of judges, and control over salaries are key areas which can increase independence or, conversely, increase the influence of the executive vis-à-vis the judiciary.”¹²²

8. Role of the Judiciary in Economic Development

A number of studies show some of the positive benefits of strong effective judiciaries. The degree of judicial independence is correlated with economic growth. Better performing courts have been shown to lead to more developed credit markets. A stronger judiciary is associated with more rapid growth of small firms as well as with larger firms in the economy.¹²³ Economic studies show that within individual countries the relative competence of provincial and state courts affects comparative economic competitiveness. For instance, in the context of Uganda, as also observed in its Vision 2040 and its national development plan, economic and social development is not just about the balance of payments or building a road or increasing tax collection. It is becoming more and more evident that the rule of law is integral to

¹²¹https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1083&context=faculty_publications

¹²² <http://www.heritageinstitute.org/wp-content/uploads/2021/01/Justice-Report-Jan-6-.pdf>

¹²³ Making Judges Independent – Some Proposals Regarding the Judiciary. Accessed at: econstor.eu/bitstream/10419/18898/1/cesifo1_wp1260.pdf

socio-economic transformation given the strong correlation between the tenets of the former and latter.¹²⁴

A well-functioning judicial system is indispensable to business activities and to society as a whole. Judicial efficiency measured by trial length, one of the essential factors in the effectiveness of the justice system, ensures contract enforcement, which is the basis of market transactions. Judicial efficiency is closely associated with accessibility to judicial services and the certainty of an efficient judicial system raises people's confidence.¹²⁵

Judicial independence is essential to upholding the rule of law, which in turn creates favourable conditions for economic development. The International Covenant on Civil and Political Rights (ICCPR), to which 168 countries are now parties, guarantees the right to 'a fair and public hearing by a competent, independent and impartial tribunal established by law' (article 14). Independence of the judiciary has been defined in more detail in further instruments, such as the United Nations Basic Principles on the Independence of the Judiciary.¹²⁶ Judicial Independence implies that judges can expect their decisions to be implemented regardless of whether they are in the (short-term) interest of other government branches upon which implementation depends. It further implies that judges do not have to fear negative consequences as a result of their decisions, such as being fired, experiencing a cut in pay, or becoming less influential.¹²⁷

There is universal agreement that judiciary has and is playing a role in realm of social and economic development as an independent arbiter particularly in the enforcement of rights. Consequently, creating accountable and impartial court systems that will be responsive to public needs is not enough but must also be efficient and accurate to ensure government is responsive to its constitutional obligations, secure property rights, reduce uncertainty, and promote social and economic development. Incidentally, in a democracy, the areas of economic and social development have been

¹²⁴ The Role of the Judiciary in National Development: The Case of 2nd National Development Plan (2015/16-2019/20). Accessed at: <http://judiciary.go.ug/files/downloads/the20role20of20the20judiciary20in20national20development-dr20kisamba20mugerwa.pdf>

¹²⁵ Effective judicial system: A catalyst for economic growth. Accessed at: <https://guardian.ng/features/effective-judicial-system-a-catalyst-for-economic-growth/>

¹²⁶ Judicial independence and economic development in the Commonwealth (2014). Accessed at: <https://www.tandfonline.com/doi/abs/10.1080/03050718.2014.932535?journalCode=rclb20>

¹²⁷ Economic growth and judicial independence, a dozen years on: Cross-country evidence using an updated Set of indicators (2015). Accessed at: <https://www.sciencedirect.com/science/article/abs/pii/S0176268015000051>

extended to creative applications of the law. This is because economic and social development depends on an effective legislation and judicial system.¹²⁸ Providing sufficient financial resources to the justice system is not a cost, it is an investment...The country with a well-functioning judiciary is more likely attracting investors.” Considerable positive economic impact of well-functioning and effective judicial system has been confirmed by the International Monetary Fund, OECD, the European Central Bank, the World Economic Forum and the World Bank. According to the survey conducted by the Economist Intelligence Unit: “Risk and Return – Foreign Direct Investment and the Rule of Law”, 2015, 93% of corporations systematically analyse the rule of law conditions, including also the effectiveness of justice systems in the countries where they are investing or intend to invest.¹²⁹

9. Conclusion and recommendations

The analysis of Somalia's judiciary budget underscores a pressing need for substantial increases in funding to ensure the effective modernization and independence of the judicial system. In the context of an overall federal budget that has seen a significant increase—from \$1.079 billion to \$1.342 billion—the judiciary's allocation of only \$6.429 million remains alarmingly inadequate. This allocation, representing less than 0.47% of the national budget, not only hampers the operational capacity of judicial institutions but also jeopardizes their ability to function independently, thereby undermining public trust in the legal system.

Adequate financial resources are vital for enhancing the judiciary's operational efficiency and capability. A well-funded judicial system is essential for addressing the pressing demands for justice in Somalia, particularly in light of its history of conflict and instability. Funding is critical not only for hiring and training qualified personnel—such as judges, prosecutors, and support staff—but also for improving infrastructure, which is currently lacking in many areas. This includes the establishment of modern court facilities equipped with necessary technology, which can significantly enhance the quality of legal proceedings and improve access to justice for all citizens.

Furthermore, the independence of the judiciary is paramount for the effective functioning of a democratic society. Without sufficient financial resources, the

¹²⁸ Impact of the judiciary on the Nigerian social and economic development (2019). Accessed at: <https://www.ajol.info/in-depth/nautili/article/view/183679>

¹²⁹ The role of a judicial system is creating a better business environment. Accessed at: petric-kajic.hr/the-role-of-a-judicial-system-is-creating-a-better-business-environment

judiciary risks becoming susceptible to political influence, potentially compromising its role as an impartial arbiter in legal disputes. This dependence on the executive and legislative branches diminishes the judiciary's ability to operate free from external pressures, which is essential for upholding the rule of law. A strong and independent judiciary is not only crucial for delivering timely and fair justice but also for attracting foreign investment and promoting economic development, as investors are more likely to engage in a country where the judicial system is perceived as strong and capable of enforcing contracts.

Establishing a consistent and equitable budgetary framework is essential for the long-term sustainability of judicial reforms. Continuous funding supports ongoing improvements, enabling the judiciary to adapt to changing legal landscapes and societal needs. A stable budget is crucial for the implementation of comprehensive judicial reform initiatives, aligning Somalia's judicial practices with international standards and best practices.

In conclusion, prioritizing judicial funding is not merely a financial obligation; it is a fundamental investment in human rights, democracy, and the overall socio-economic progress of Somalia. By recognizing and addressing the challenges associated with current funding practices, Somalia can strengthen its judiciary, enhance public confidence, and pave the way for long-term stability and growth. A robust judiciary will serve as a cornerstone for governance and the rule of law, ultimately contributing to a more equitable and just society, and fostering an environment conducive to economic development and social cohesion.

To enhance the effectiveness and independence of the judiciary in Somalia, the following recommendations are proposed:

1. **Increase Budget Allocations:** The government should significantly increase the judiciary's budget allocation to ensure it meets operational needs and modernization goals. Allocating at least 2-3% of the national budget to the judiciary would better reflect its critical role in upholding the rule of law and delivering justice.
2. **Establish a Dedicated Judiciary Fund:** Implement a dedicated fund for the judiciary, insulated from political pressures. This fund should guarantee a fixed percentage of the national budget, ensuring financial stability and independence.
3. **Promote Financial Independence:** Reform the budgeting process to allow the judiciary to draft its own budget, which should be submitted directly to the legislative

body for approval. This would reduce the influence of the executive and legislature on judicial finances.

4. **Invest in Human Resources:** Increase funding for the recruitment, training, and retention of qualified judicial personnel, including judges, prosecutors, and support staff. This investment will enhance the capacity to handle caseloads effectively and improve the quality of justice delivered.

5. **Modernize Judicial Infrastructure:** Allocate resources for the construction and renovation of court facilities. Modern courtrooms equipped with necessary technology will facilitate efficient legal proceedings and enhance access to justice for all citizens.

6. **Implement Technology Solutions:** Invest in technology for e-filing, digital case management, and other ICT tools to streamline judicial processes. This modernization will improve efficiency, transparency, and accessibility within the judicial system.

7. **Enhance Access to Legal Aid:** Develop and fund legal aid programs to assist marginalized and low-income individuals in accessing legal representation. Ensuring equitable access to justice is paramount for reinforcing public trust in the judicial system.

8. **Strengthen Capacity Building Programs:** Establish ongoing professional development initiatives for judges and court staff to enhance their skills and knowledge. Regular training will help maintain high standards of judicial conduct and professionalism.

9. **Promote Diversity:** Ensure that women and marginalized communities are adequately represented within the judiciary. This includes targeted recruitment and support programs to encourage diversity and inclusivity in judicial roles.

10. **Foster Public Confidence:** Implement transparency measures regarding budget utilization and judicial operations. Regular public reporting on judicial performance and funding will enhance accountability and foster public trust in the judiciary.

11. **Engage Stakeholders:** Collaborate with civil society organizations, legal experts, and international partners to gather insights and support for judicial reforms. Stakeholder engagement is crucial for fostering a holistic approach to modernization efforts.

By implementing these recommendations, Somalia can strengthen its judiciary, enhance its effectiveness, and promote a robust legal framework that supports democracy, human rights, and socio-economic development.

DHAMMAAD
