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# CONSTITUTIONAL DOCUMENTS OF SAUDI ARABIA<sup>1</sup>

## CONSTITUTION OF THE KINGDOM OF HEJAZ

August 29, 1926

### PART I

#### *The Kingdom, Constitution, Capital, Official Language*

Art. 1. The parts of the Kingdom of the Hejaz, with its known boundaries, are bound together and may not be divided or separated in any way.

Art. 2. The Arabic State of the Hejaz is a monarchical, constitutional, and Moslem state, independent in its internal and external affairs.

Art. 3. Holy Mecca is the capital of the State of the Hejaz.

Art. 4. The Arabic language is the official language of the State.

### PART II

#### *Administration of the Kingdom, Legal Standards, the Vice-Royalty, the Responsibility of the Administration*

Art. 5. The entire administration of the Kingdom of the Hejaz is in the hands of His Majesty Abdel Aziz I ibn Abdel Rahman Al Faisal Al Séoud. His Majesty is bound by the standards of the noble Sharia.

Art. 6. In the Kingdom of the Hejaz, the legal standards shall be always in conformity with the Book of God, the Sunna of the Prophet—the benediction of God be upon him—and the conduct of the prophet's companions and the first virtuous generations.

Art. 7. His Majesty the King will appoint a viceroy (lieutenant general) and as many directors and chiefs as shall be necessary for the administration of the Kingdom.

Art. 8. The viceroyalty being the co-ordinating organ for all departments of the government and their different sections, each departmental director and each chief shall be held responsible to the viceroyalty for the administration of all matters within their several assignments. The viceroyalty is, in turn, responsible to His Majesty the King.

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<sup>1</sup> The documents used here are those which are considered to be the principal constitutional documents of the Kingdom of Saudi Arabia. English translations of the Hejaz Constitution and the decree constituting Nejd a Kingdom have appeared in *British and Foreign State Papers*, Vol. 124, Part II, pp. 880-888, and Vol. 130, Part I, p. 879, respectively, and in Helen Miller Davis, *Constitutions, etc. of States of the Near and Middle East*, pp. 248-258. The Decree of December 29, 1931, so far as the editor is informed, has not appeared heretofore in English. An English translation of the Decree of September 18, 1932, is in Helen Miller Davis, *op. cit.*, pp. 259-260. The translations here used were made from the French translations in *Revue Egyptienne de Droit International*, Vol. 3 (1947), pp. 146-156, except as to Articles 56-79 of the Hejaz Constitution, which have been reproduced from *British and Foreign State Papers*, Vol. 124, Part II. Observe the provisions of the Decree of December 29, 1931, Art. 6, which contemplates the formation of a new constitution.

## PART III

*The Affairs of the Kingdom of the Hejaz*

Art. 9. The affairs of the Kingdom of the Hejaz are divided into six fundamental sections:

- (1) Sharia affairs;
- (2) Internal affairs;
- (3) Foreign affairs;
- (4) Financial affairs;
- (5) Affairs of public instruction;
- (6) Military affairs.

## (1) Sharia Affairs

Art. 10. Sharia affairs mean affairs and questions relating to the Sharia law, the two holy territories, the wakfs, the mosques, and all the religious establishments.

## (2) Internal Affairs

Art. 11. Internal affairs mean affairs of the public security, telegraphs, posts, public hygiene, municipalities, public works, commerce, agriculture, industry, mines, and other private institutions. They are, with their agencies, directly administered by the viceroyalty.

Art. 12. The viceroyalty being responsible for internal affairs and their good administration, the directors of public security, the telegraphs, the post and public hygiene must exercise their functions within the limits of the orders and instructions issued to them by the viceroyalty.

Art. 13. The chiefs of the municipalities must exercise their functions within the limits of the instructions which shall be promulgated with reference to the municipalities and their organization. The municipality of the capital is attached to internal affairs, and each of the other municipalities is attached to the highest administrative official of the region.

Art. 14. The commission on pilgrimage is composed, under the presidency of the viceroy, of the directors of the departments that are concerned with matters of pilgrimage, and of qualified persons of importance designated by His Majesty the King.

Art. 15. The commission on pilgrimage has full authority to study all matters and cases relating to pilgrimage and pilgrims, to consider them on their merits and take such decisions as may be required by the public interest, convenience, and necessity.

Art. 16. All decisions of the commission on pilgrimage shall be enforced by the viceroyalty, after the high royal sanction.

## (3) Foreign Affairs

Art. 17. Foreign affairs mean the direction of the foreign policy of the State in the desired manner. They are divided into four sections: political, administrative, legal, and consular.

Art. 18. The direction of foreign affairs is entrusted by His Majesty the King to the person who is most highly competent and qualified to perform those special duties.

Art. 19. The department of foreign affairs shall be directly attached to his royal majesty but shall receive orders from the viceroyalty with respect to the administrative and consular sections.

## (4) Financial Affairs

Art. 20. Financial affairs mean the conduct and organization of the different sources of revenue and the general expenditures of the State. Its agencies are the following:

- (a) The department of finance;
- (b) The treasuries and branches thereof;
- (c) The bureaus of accounting of the departments that have revenues;
- (d) The department of customs.

Art. 21. The department of finance, with the abovementioned agencies, is attached to the viceroyalty.

Art. 22. All financial officials are, in order of rank, responsible for the good administration and regularity of financial matters.

## (5) Affairs of Public Instruction

Art. 23. Affairs of public instruction mean the diffusion of learning, skills, and arts; the opening of schools (primary and secondary); the scrupulous protection of scientific (religious) institutes; and the special care to be accorded to the principles of the true religion throughout the Kingdom of the Hejaz.

Art. 24. Affairs of public instruction are administered by a directorate attached to the viceroyalty.

Art. 25. A law on public instruction shall be promulgated, and its provisions shall be applied progressively. Primary teaching shall be free in all parts of the Kingdom.

## (6) Military Affairs

Art. 26. Military affairs mean all the agencies which maintain the strength and standing of the Kingdom at home and abroad.

Art. 27. Functions relating to military affairs or growing out of the same are regulated by His Majesty the King.

## PART IV

*The Councils: the Advisory Council, the Council of Medina, the Council of Jeddah, the District Councils, the Village and Tribal Councils*

## The Advisory Council

Art. 28. In the capital (Mecca) there shall be established an advisory council, composed of the viceroy, his advisers, and six notables designated by His Majesty the King from among persons who are competent and qualified.

Art. 29. The advisory council shall meet each week and oftener if necessary, under the presidency of the viceroy or one of his advisers, to consider the matters and questions referred to it by the viceroyalty, to study them carefully, discuss them and take decisions by majority vote.

Art. 30. In case of need, the departmental directors, upon summons by the viceroyalty, shall attend the meetings of the advisory council at which questions relating to their departments are discussed.

Art. 31. The decisions of this council shall be executed after they have been submitted to His Majesty the King by the viceroyalty and have received his august approval.

### The Councils of Jedda and Medina

Art. 32. At Jedda and Medina, respectively, there shall be established an administrative council, composed of the Kaimakam, his assistant, the chief officials, and four notables designated by His Majesty the King from among persons who are competent and qualified.

Art. 33. Each of the two councils established by virtue of the preceding article shall meet once each week, or oftener if necessary, under the presidency of the Kaimakam or his assistant, to consider the matters and questions referred to it with respect to the two cities and to take decisions by majority vote.

Art. 34. The decisions of the administrative councils of Jedda and Medina are communicated to the viceroy and executed, pursuant to Article 31, after submission to and approval by His Majesty the King.

Art. 35. Decisions and regulations clothed with the high sanction of the King, as well as the royal ordinances, shall, after registration by the royal bureau, be communicated for execution to the vicerealty, which will make them known to all the departments and sections of the administration.

Art. 36. The term of office of the notables appointed to the advisory council under Article 28 and to the administrative councils of Jedda and Medina under Article 32 shall be only one year, at the end of which other members shall be appointed.

Art. 37. Former members may be appointed for a new term.

### The District Councils

Art. 38. In the chief town of each district there shall be established a council, composed, under the presidency of the chief of the district, of the assistant to the chief, the principal officials and persons appointed from the notables of the population. The council shall meet once each week or oftener.

Art. 39. The councils established by virtue of the preceding Article have the functions of considering and discussing the notes and official questions communicated to them by the district chiefs and taking the decisions required by the public interest.

Art. 40. The decisions of the district councils are submitted to the Kaimakam of the province to which the district in question belongs. The Kaimakam will, in turn, communicate them, with his observations, to the viceroy, who will submit them to His Majesty the King. After having received the high sanction of the King, these decisions will be executed.

### The Village and the Tribal Councils

Art. 41. In each village or important tribe there shall be established a council, under the presidency of the sheikh, composed of a Sharia jurist and two persons chosen from among the notables of the population, to consider matters relating to the administration of the provinces or of districts, villages and tribes.

Art. 42. The village and tribal councils are responsible to their administrative superiors, in conformity with the regulations contemplated in the preceding Article, for matters and questions within their competence.

(Arts. 43 to 55. No longer in force.)<sup>1</sup>

PART VII

*Employees*

Art. 56. All members of councils and all government employees should possess the following qualifications:

- (1) They should be subjects of His Majesty the King.
- (2) They should be properly qualified and competent.
- (3) They should be of good character and address.
- (4) They should not have forfeited their legal Sharia rights.

Art. 57. Persons who are not His Majesty's subjects, and whose employment is considered necessary, may be engaged on contract for limited periods and under special conditions.

Art. 58. Any civil servants among those mentioned in Article 56 have their rights and honor guaranteed by the government.

Art. 59. A civil servant who shows efficiency and application in his work shall not be transferred to another department without his consent.

Art. 60. Any civil servant whose innocence of any charge against him is proved before a court shall not be dismissed from his employment.

Art. 61. Rules and regulations shall be drawn up regarding government employees, setting forth the terms of their employment, promotion, salaries, rights, functions, grades, dismissal, pensions, trials, and everything in connection with the same.

PART VIII

*General Municipal Councils*

Art. 62. A council shall be elected in each of the municipalities of Mecca, Medina, and Jedda, and shall be called the "general municipal council."

Art. 63. Its members shall be landlords, members of special crafts and professions, which will be mentioned in the municipal regulations, and the notables who will be elected by His Majesty the King or the viceroy after their names have been submitted for membership of the general municipal council.

Art. 64. The membership of persons elected for a general municipal council will not be considered valid until after approval by His Majesty the King.

Art. 65. The members of a general municipal council shall not exceed twelve in number in the capital, and eight in Medina and Jedda.

Art. 66. Any member elected to a municipal council should be a subject of His Majesty the King, not less than thirty years of age, and should be a capable and competent person, able to read and write Arabic well. He must be in possession of his legal and Sharia rights and known to be of good conduct.

Art. 67. The general municipal councils must meet once every month, or more frequently if necessary, under the presidency of one of the members, who will be elected at each sitting.

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<sup>1</sup> According to note at page 151 of *Revue Egyptienne de Droit International, sup. cit.*, Articles 43 to 45 related to a court of accounts; Articles 46 to 55, to the inspection of accounts.

Art. 68. The general municipal councils have full right to examine everything in connection with the municipalities and to pass resolutions to ensure their good administration and order.

Art. 69. Every resolution passed by the general municipal councils in the capital should be transmitted to the viceroy's office or, in the case of Jedda and Medina, to the office of the Kaimakam, who after investigating it should submit it to the office of the viceroy. The latter in turn will submit it to the Advisory Council, which, after investigation and endorsement, will pass it to His Majesty the King through the viceroy.

Art. 70. The directors of the municipalities should act in accordance with the resolutions passed by the general municipal councils and approved by His Majesty the King, and should carefully comply with them.

Art. 71. The general municipal councils have the right to draw up, modify, or increase, when necessary, the municipal budgets. They can do so after the approval of His Majesty the King, as laid down in Article 69.

Art. 72. As the directors of the municipalities are held responsible to the general municipal councils, they should be prepared to answer in detail any inquiry or question put forward by the members in accordance with the law which will be drawn up regarding the organization of the municipalities.

Art. 73. The municipal members have no right to go beyond the limits of such of the foregoing articles as may be valid and may be laid down in the organization of the municipalities.

Art. 74. The period of validity of membership of the general municipal councils is three years, after which new elections must take place in accordance with Article 63.

Art. 75. Former members are eligible for re-election.

Art. 76. Membership of the general municipal councils is an honorary position.

#### PART IX

##### *Municipal Administration Committees*

Art. 77. In every municipality there shall be a committee composed of the director of the municipality and other heads of its different sections.

Art. 78. The function of these committees is to investigate ways and means for executing the resolutions passed by the general municipal councils, by carefully examining everything which is passed to them and by reaching decisions regarding the same.

Art. 79. Administrative committees should meet twice every week, or more often if necessary.

## DECREE CONSTITUTING THE NEJD A KINGDOM AND UNITING IT WITH THE HEJAZ

January 29, 1927

In response to the petition presented to us by those who have the power to loose and to bind in the Sultanate of the Nejd and its dependencies, we have ordered that the said Sultanate and its Dependencies become the "Kingdom of the Nejd and its Dependencies" and that our title be henceforth "King of the Hejaz, the Nejd and Dependencies." We pray God to give us success and aid to fulfill our task. He is the best of aids.

## DECREE ESTABLISHING A COUNCIL OF MINISTERS

December 29, 1931

Art. 1. The council of ministers is composed of the president, the minister of foreign affairs, the minister of finance and the minister of the advisory council.

Art. 2. The president of the council of ministers, in the absence of His Majesty the King, becomes *ex officio* viceroy. But when His Majesty is present, he is only president of the council of ministers.

Art. 3. He serves at present as president of the council of ministers and also as viceroy, minister of the interior, of foreign affairs, and of military affairs.<sup>1</sup>

Art. 4. The council of ministers shall have a general bureau directed by a responsible chief. From this bureau shall be transmitted to the ministries and administrations the decisions of the council of ministers and those of the president of the council either in that capacity or, in the absence of His Majesty the King, in the capacity of viceroy.

Art. 5. The council of ministers derives its authority from His Majesty the King. The ministers are jointly responsible to His Majesty the King for the conduct of the general policy of the State, and personally responsible for the acts of their respective ministries.

Art. 6. The decisions of the council are valid when they are taken by majority of votes; they become enforceable only if they are signed by the majority, including the minister concerned with them.

Art. 7. In case of disagreement of the ministers upon any question or in case of objections to a majority decision, the president of the council, acting as viceroy, may, if the question is important, order the execution of the decision on his own responsibility; if the question can be deferred until His Majesty the King is consulted, execution shall be delayed to consult His Majesty and obtain his orders.

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<sup>1</sup> The ministry of the interior is stated to have been abolished in 1934, its functions being taken over by the presidency of the council. See *Revue Egyptienne, sup. cit.*, p. 152.