

# *World Constitutions Illustrated*

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## *Syria*

Constitution of the Syrian Arab Republic, 1973  
As Amended to Law No. 9 of 11 June 2000

*Translated by*  
Parliament of Syria

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**SYRIAN ARAB REPUBLIC  
PEOPLE'S ASSEMBLY**

**CONSTITUTION  
OF THE  
SYRIAN ARAB REPUBLIC**

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**PREAMBLE**

When united, the Arab Nation played a great role in the development of human civilization, but when its national solidarity weakened, its civilizational role receded and waves of colonial invasions were able to shatter its unity, occupy its lands and plunder its resources.

Faced with this challenge, the Arab Nation firmly rejected the imposed realities, of dismemberment, exploitation, and regression, prompted thereto by the belief in its ability to overcome those realities and to reenter history and play, alongside other liberated nations, a special role in building up civilization and progress.

Close to the end of the first half of the present century, the struggle of the Arab people, in various countries was extended and intensified to achieve liberation from the direct colonialism of occupation.

The Arab masses, however, did not consider political independence a final objective and the end of all struggle and sacrifices. They regarded it rather as a means of enhancing their struggle and an advanced stage in the battle against

colonialism, Zion-ism and exploitation—a battle which was led by progressive national forces and directed to achieve the aims of the Arab Nation: Unity, Freedom and Socialism.

In the Syrian Arab Region, after the achievement of independence, the masses of our people continued their struggle and were able, through a strenuous and intensified endeavor to achieve the great victory of launching the Revolution of the 8th of March of 1963, under the leadership of the Baath Arab Socialist Party, which harnessed power to serve the endeavor to build up the united socialist Arab society.

The Baath Arab Socialist party was the first movement in the Arab Homeland to give Arab unity its true revolutionary meaning, to combine the national and the socialist struggles and to represent the will of the Arab Nation and its aspiration to a future, linking it with its glorious past and qualifying it to play an appropriate part in the victory of the cause of the liberation of all peoples.

In the course of the militant march of the party came the Corrective movement of the 16th of November 1970, in response to the needs and aspirations of our people. This movement represented an important specific development and a true embodiment of the spirit, principles and aims of the Party. It created an atmosphere favorable to the realization of a number of important achievements in the interests of the masses. First among these was the establishment of the Federation of the Arab Republics in response to the call for unity, a call which occupies a privileged place in the Arab conscience and which has been enhanced by the common Arab struggle against colonialism, Zionism and provincial and separatist trends and has been confirmed by the contemporary Arab revolution against domination and exploitation.

Under the auspices of the Corrective movement an important step in the direction of consolidating the national unity of our masses was accomplished. Led by the Baath Arab Socialist Party, a Progressive National Front was established in a developed framework satisfying the needs and interests of the people and oriented to make a unified political organization of the masses, who are the instrument of the Arab revolution.

The establishment of this constitution represents the crowning achievement of the struggle of our people to implement the principle of the adoption of a people's democracy, providing clear guidance to the future march of the people, a directive for the acts of the various establishments of the state and a source of its legislation.

This Constitution is based upon the following main principles:

1- That the total Arab revolution represents a continuing and standing need to achieve the aims of the Arab Nation of Unity, Liberty and Socialism. The Revolution of the Syrian Arab Region is part of the total Arab revolution. Its policies in all fields are derived from the general strategy of the Arab Revolution.

2- All achievements which have been, or may be, attained by any Arab country in the present state of dismemberment are bound to be inadequate and incapable of reaching their full dimensions, as well as subject to deformation and setbacks unless enhanced and protected by Arab unity. Likewise, any danger from colonialism and Zionism menacing any Arab country is a danger that threatens the entire Arab Nation.

3- The drive towards establishing a socialist regime in addition to its being a necessity emanating from the needs of Arab society, also represents a basic need

to mobilize all the potentialities of the Arab masses in the battle against Zionism and imperialism.

4- Freedom is a sacred right, and a people's democracy is the ideal formula to guarantee for citizens the right to exercise their freedom, which makes of them dignified human beings, capable of giving and achieving constructive work and of defending the homeland in which they live, and ready to offer sacrifices for the benefit of the nation to which they belong in as much as the liberty of the homeland is only safeguarded by free citizens and the freedom of citizens is never complete unless they enjoy economic and social freedom.

5- The Arab revolutionary movement is a basic part of the world liberation movement, and the struggle of the Arab people is part of the struggle of the peoples who are fighting to achieve freedom, independence and progress.

This Constitution will serve as a guideline for the masses of our people spurring them to continue the battle of liberation and construction in the light of its principles and provisions, to consolidate their struggle and to hasten their steps towards the looked for future.

## **PART ONE** **Fundamental Principles**

### **Chapter I** **Political Principles**

#### Article 1

1- The Syrian Arab Republic is a democratic people's state sovereign and socialist. No part of its territory may be ceded. It is a member of the Federation of Arab Republics.

2- The Syrian Arab Region is part of the Arab Homeland.

3- The people of the Syrian Arab Region are part of the Arab Nation, who work and struggle to achieve all-embracing unity.

#### Article 2

1- The system of government of the Syrian Arab Region is republican.

2- Sovereignty belongs to the people, and shall be exercised by them in the manner defined by the Constitution

#### Article 3

1- Islam is the religion of the President of the Republic.

2- Islamic Jurisprudence is a principal source of legislation.

#### Article 4

Arabic is the official language.

#### Article 5

Damascus is the Capital of the State.

#### Article 6

*[Amended by Law No. 2 of 29 March 1980]*

The law shall determine the state's flag emblem and anthem, as well as the special provisions related to them.

#### Article 7

The constitutional oath of office shall be as follows:

<< I swear by Almighty God, loyally to safeguard the people's republican and democratic regime, to respect the laws and the constitution, to watch over the interests of the people and the security of the homeland, and to work and struggle to achieve the aim of the Arab Nation, of Unity, Liberty and Socialism>>.

#### Article 8

The Baath Arab Socialist Party shall be the leader party in society and the state and shall lead a National Progressive Front that works to unite the capacities of the masses of the people to serve the interests of the Arab Nation.

#### Article 9

The people's organizations and cooperative societies are institutions embodying the active forces of the people, with the aim of developing society and serving the interests of their members.

#### Article 10

The Councils of the People are democratically elected institutions through which citizens exercise their rights of administering the state and directing society.

#### Article 11

The Armed Forces and other Defense Organizations are responsible for the security of the homeland and the safeguarding of the principles of the Revolution, of Unity, Liberty and Socialism

#### Article 12

The State shall serve the people, and its institutions shall endeavor to safeguard the fundamental rights of the citizens and develop their lives. They shall also give support to the people's organizations to enable them to develop themselves by themselves.

### **Chapter II Economic Principles**

#### Article 13

- 1- The economy of the state shall be socialist and planned and shall aim to abolish all forms of exploitation.
- 2- Economic planning in Syria shall take into consideration the objective of realizing of the Arab economic integration of the ARAB Homeland.

#### Article 14

The law shall organize property, which is of three kinds:

- 1- People's property: This shall include natural resources, public services and the establishments and institutions which are nationalized, or created, operated and supervised by the state in the interest of the people. These shall be protected by citizens.
- 2- Collective property: this includes property owned by popular and professional organizations, by production units, cooperative societies and other social establishments. The law shall ensure protection and support for such property.
- 3- Private property: includes property owned by individuals. The law shall define its social role in the service of national economy and within the

development plan. Its manner of utilization shall not be directed against the interests of the people.

#### Article 15

- 1- Private property shall not be expropriated except for a public benefit and against a just compensation in accordance with the law.
- 2- General confiscation of property shall be prohibited.
- 3- General confiscation may not be imposed except by a judicial decision.
- 4- Private confiscation may be imposed through a provision of the law and against a just compensation.

#### Article 16

The law shall fix maximum limits for agrarian ownership. In a manner ensuring the protection of farmers and agricultural workers against exploitation and guaranteeing increased production.

#### Article 17

The right of inheritance shall be guaranteed in accordance with the law.

#### Article 18

“Saving” is a national duty, protected, encouraged and regulated by the state.

#### Article 19

Taxes shall be imposed on just and progressive bases and in accordance with principles of equality and social justice.

#### Article 20

the utilization of private and “mixed” economic enterprise shall aim to meet economic needs, to increase the national income and to ensure the welfare of the people.

### **Chapter III Principles of Education and Culture**

#### Article 21

The educational and cultural system shall aim to bring up a national Arab generation, who are socialist and scientific in their manner of thinking, attached to their land and history, proud of their heritage, and imbued with the spirit of the struggle to realize the aims of the nation of Unity, Liberty and Socialism, and of contributing to the service and progress of humanity.

#### Article 22

The educational system shall ensure the continued progress of the people and shall meet the needs of their continued social, economic and cultural development.

#### Article 23

- 1- The national socialist culture shall be the basis of building up the unified socialist Arab society. It shall aim at enhancing moral values, realizing the ideals of the Arab Nation, developing society, and serving human causes; the state shall encourage and protect this culture.
- 2- Encouraging artistic talents and capacities are a basis of the development and progress of society.

Artistic creation shall maintain contact with the life of the people. The state shall endeavor to develop the artistic talents and propensities of all citizens.

3- Physical education is a basic factor in building up society. It shall be encouraged by the state in order to bring up a generation, strong in body, character and thought.

#### Article 24

1- Science, scientific research and all scientific achievements are basic elements for the progress of Arab socialist society. The state shall give it full support.

### **Chapter IV Freedoms: Public Rights and Obligations**

#### Article 25

1- Freedom is a sacred right. The state shall guarantee the personal freedom of citizens and safeguard their dignity and security.

2- Supremacy of the law shall be a basic principle of society and the state.

3- Citizens shall be equal before the law in rights and obligations.

4- the state shall guarantee to citizens the principle of equal opportunities.

#### Article 26

Every citizen shall have the right to participate in the political, economic, social and cultural life of the country.

The law shall organize this participation.

#### Article 27

Citizens shall exercise their rights and enjoy their freedoms within the limits of the law.

#### Article 28

1- Every accused person shall be presumed innocent until he is condemned by a final judicial decision.

2- No one shall be subjected to a search or inquiry, or taken into custody, except as provided by the law.

3- No one shall be subjected to physical or moral torture, or outrageous treatment to dignity.

The law shall define the penalties of such actions.

4- The right of litigation, of recourse to a court of law and of defense before it, are guaranteed by law.

#### Article 29

There shall be no crime or punishment except as laid down by provisions of the law.

#### Article 30

Provisions of the law shall not apply except to acts that follow the date of their coming into effect. They shall not have retroactive effect. The law, however, may provide otherwise in non-penal matters.

#### Article 31

Houses are inviolable and shall not be entered, or searched except in cases defined by the law.



Article 32

Privacy of postal correspondence and telephonic communications shall be guaranteed in accordance with provisions of the law.

Article 33

- 1- A citizen may not be deported from the territories of the Homeland.
- 2- Every citizen shall have the right of free movement within the territories of the state, unless restricted by a judicial decision or by the implementation of laws or public health and safety.

Article 34

Political refugees shall not be surrendered because of their political principles or of actions they may take in defense of the cause of freedom.

Article 35

- 1- Freedom of belief shall be guaranteed.  
The state shall respect all religions.
- 2- The state shall guarantee the performance of all religious rituals provided this does not violate public order.

Article 36

- 1- Work is the right and duty of every citizen. The state shall endeavor to ensure it for all citizens.
- 2- Every citizen shall have the right to be paid for his work on the basis of its kind and efficiency. The state shall guarantee this right.
- 3- the state shall define hours of work, shall guarantee social security benefits for workers, shall regulate their right to rest and holidays, as well as to indemnities and gratuities.

Article 37

Education shall be a right guaranteed by the state. It shall be free in all stages and compulsory in the elementary stage. The state shall endeavor to make other stages compulsory, and shall supervise education and direct it in a manner consistent to the needs of society and production.

Article 38

Every citizen shall have the right to express his opinion publicly and freely, in speech, writing and other forms of expression and to participate in the work of control and the voicing of constructive criticism aimed to ensure the safety of the structure of the homeland and the nation and to enhance the socialist regime. The state shall guarantee the freedom of the press and of printing and publishing, in accordance with the law.

Article 39

Citizens shall have the right of assembly and peaceful demonstration within the principles of the Constitution. Exercising this right shall be regulated by law.

Article 40

- 1- All citizens shall be required to carry out the sacred duty of defending the security of the homeland and of respecting the country's constitution and its unionist and socialist regime.
- 2- Military service shall be compulsory and regulated by law.

Article 41

Payment of taxes and public charges shall be a duty required by law.

Article 42

Safeguarding national unity and the secrets of the state shall be the duty of every citizen.

Article 43

The Syrian Arab nationality shall be regulated by law. Special facilities shall be granted to Syrian Arab emigrants and their descendents, and to citizens of other countries of the Arab Homeland.

Article 44

- 1- The family is the basic cell of society, it shall have the protection of the state.
- 2- The state shall protect and encourage marriage and shall act to remove material and social impediments hindering it; it shall protect maternity and children, look after youth and ensure conditions favorable to the development of their faculties.

Article 45

The state shall guarantee to women all opportunities enabling them to make complete and full contribution to the political, social, cultural and economic life of society. It shall endeavor to remove impediments that hinder their development and their participation in the building up of Arab socialist society.

Article 46

- 1- The state shall guarantee assistance to all citizens and their families in cases of accidents, disease, disability, orphanhood and old age.
- 2- The state shall protect the health of citizens and provide them with means of protection treatment and medication.

Article 47

The state shall ensure cultural, social and health services and shall make these services available to villages in order to raise their standards.

Article 48

The popular sectors shall have the right to form trade unions, social or professional organizations and cooperative societies for production services. The law shall determine the frame works of these organizations, their interactions, and the limits of their activities.

Article 49

Popular organizations shall participate effectively in the various sectors, and in the councils established by law to achieve the following objectives:

- 1- Building up the Arab socialist society and protecting its regime.
- 2- Planning and guiding the country's socialist economy.
- 3- Development of work conditions, safety, health, culture and all other affairs pertaining to the lives of the organization members.
- 4- Ensuring scientific and technical progress and developing means of production.
- 5- Keeping watch over government machinery.

**PART TWO**  
**Powers of the State**  
**Chapter 1**  
**Legislative Power**

Article 50

1- The People's Council shall exercise legislative power in the manner defined by the Constitution

2- Members of the People's Council shall be elected by universal suffrage in secret, direct and equal ballot in conformity with provisions of the Electoral law.

Article 51

The period of mandate of the People's Council shall be four years; it shall begin on the day of the first meeting of the Council and may not be extended except in case of war and by virtue of law.

Article 52

A member of the People's Council shall represent the entire people. His mandate may not be restricted by any condition or limitation and shall be exercised by him accordance with the dictates of honor and conscience.

Article 53

The law shall determine the electoral constituencies and the number of members of the People's Council, provided one half of the members are farmers and workers. The law shall define the terms (a worker) and (a farmer).

Article 54

The electors shall be those citizens who have completed 19 years of age, who are registered in the state's (Civil Status Register) and who fulfill the conditions prescribed in the Electoral law.

Article 55

The law shall determine the rules of elections and the referendum, as well as the conditions required in a member of the People's Council.

Article 56

State employees, including employees of the Public Sector, may become candidates for membership of the People's Council except and apart from cases defined by law, an elected member shall devote the whole of his time to the duties of membership. Moreover, he shall retain his right to his former post or employment, in connection with which the time he spends as Council member will be regarded effective service for him.

Article 57

The electoral law shall include provisions ensuring:

- 1- Freedom of choice for electors and the integrity of elections.
- 2- The right of candidates to supervise election operations.
- 3- Punishment for those interfering with the will of the electors.

Article 58

1- Elections shall take place within 90 days following the date of expiry of the mandate of the People's Council.

2- The Council shall reconvene after the prescribed 90 days elapse if a new council is not elected, and shall continue to function until a new council is elected.

#### Article 59

If a Council seat becomes vacant, for any reason and the remaining period of the mandate of the Council is no less than six months, a new member shall be elected within 90 days of the day when the seat became vacant. Membership of the new member shall end with the expiry of the period of the Council's mandate. The law shall define cases when the Council's membership shall be considered "vacant".

#### Article 60

1- The People's Council shall convene by a decree issued by the President of the Republic within 15 days following the day on which the results of the elections are announced; and in all cases shall meet on the 16th day, if such a decree is not issued.

2- The Council shall elect its Speaker and members of its Bureau in its first meeting.

#### Article 61

The Council is convened in three regular sessions annually; and it may also be convened in extraordinary sessions. The Council's Internal Rules shall specify the dates and durations of regular sessions. Extraordinary sessions are convened either by a decision of the Speaker of the Council or at the written request of the President of the Republic or by one third of members of the Council.

#### Article 62

The Council shall decide on the legality of the election of its members in the light of an enquiry conducted by the High Constitutional Court, within one month of receipt by the Council of the court's ruling. Membership of the Council shall not be annulled except by a vote of the majority of its members.

#### Article 63

Before assuming office, members of the People's Council shall publicly take the oath prescribed in article (7) of this Constitution.

#### Article 64

Salaries and allowances of members of the People's Council shall be fixed by law.

#### Article 65

The People's Council shall adopt Internal Rules to regulate the manner in which it shall conduct its work and fulfill its functions.

#### Article 66

Members of the Council shall not be answerable, in criminal or civil action, for facts mentioned or opinions expressed by them, or for voting in the public or secret meetings of the Council or Committees.

#### Article 67

During the whole period of the mandate of the Council, its members shall enjoy immunity. Except in cases when a member is caught in the act, no criminal or civil proceedings may be initiated against him, except by the prior consent of the Council. When the Council is not in session, the authorization of the Speaker of

the Council shall be required, of which the Council shall be informed in its first meeting following the action taken in relation thereto.

#### Article 68

- 1- A member of the Council may not take advantage of his membership in any activity.
- 2- The Speaker of the People's Council shall determine the activities which are incompatible with membership of the Council.

#### Article 69

- 1- The Speaker of the People's Council shall represent the Council, sign for it, and speak on its behalf.
- 2- The Council shall have a special guard, who take orders from the Speaker of the Council. No other armed force may enter the precincts of the Council except with the permission of the Speaker.

#### Article 70

Members of the people's Council may suggest laws and direct questions or interpretations to the Council of Ministers, or to a minister, in accordance with the Internal Rules of the Council of ministers, or to a minister, in accordance with the Internal Rules of the Council.

#### Article 71

The people's Council shall have the following functions:

- 1- Nomination of the president of the Republic.
- 2- Passing laws.
- 3- Discussing the policy of the Cabinet.
- 4- Approving the General Budget and Development plans.
- 5- Ratifying international treaties and agreements relating to the security of the state, that is treaties of peace and alliance. All treaties relating to sovereignty, agreements granting concessions to foreign establishments, and treaties and agreements incurring expenditure from the treasury of the state other than those allocated in the budget; also treaties contrary to provisions of laws in effect, and treaties, the enforcement of which, requires the passing of a new legislation.
- 6- Passing a general amnesty.
- 7- Accepting or rejecting the resignation of a member of the Council.
- 8- Passing a vote of no-confidence in the Cabinet or in one of its members.

#### Article 72

A vote of no-confidence may not be passed except after addressing a question to the Cabinet or one of the ministers; the vote of no-confidence shall be proposed by at least one fifth of the Council and approved by a majority of members, the President of the Council of Ministers shall tender his resignation to the President of the Republic. A minister against whom a vote of no-confidence is passed shall resign.

#### Article 73

the Council may set up ad hoc fact finding committees to collect information and facts regarding subjects related to the exercise of its functions.

Article 74

the budget bill shall be submitted to the People's Council at least two months before the beginning of fiscal year. The budget shall not take effect until it is approved by the Council.

Article 75

Voting on the budget shall be taken chapter by chapter. The manner of preparing the budget shall be regulated by law.

Article 76

There shall be only one budget for each fiscal year: the beginning of the fiscal year shall be defined by law.

Article 77

If the Council does not finish approving the budget before the beginning of the new fiscal year, the budget of the previous year shall continue to be effective until the new budget is approved. Meanwhile revenues shall continue to be levied in accordance with the law in force.

Article 78

Transfer from one budget allocation to another may not be made except in accordance with the laws in force.

Article 79

The Council may not, during its discussion of the budget, increase the estimates revenues or of expenditures.

Article 80

After approving the budget, the People's Council may adopt laws involving new expenditure and providing to meet such expenditure.

Article 81

No tax shall be created, amended or abolished except by law.

Article 82

The final accounts for the financial year shall be submitted to the people's Council within two years following the end of the fiscal year. The closing of the year's account shall be effected by virtue of a law. The procedure followed in approving the budget shall be like wise followed in approving the closure of accounts.

**Chapter II  
Executive Power**

**(1) President of the Republic**

Article 83

*[Amended by Law No. 9 of 11 June 2000]*

A candidate for the presidency of the Republic shall be a Syrian Arab, enjoying civil and political rights, who has completed 34 years of age.

Article 84

*[Amended by Law No. 18 of 3 July 1991]*

1- Candidature for the post of president of the Republic shall be made by the People's Council at the suggestion of the Regional Leadership of the Baath Arab Socialist Party. It shall be submitted to citizen in a referendum.

2- The referendum shall be held at the request of the Speaker of the People's Council.

3- Election of the new President must take place not earlier than 30 days and not later than 60 days before the expiry of the term of office of the incumbent President.

4- the candidate for the Presidency of the Republic shall become President on obtaining an absolute majority of the vote of electors participating in the referendum; failing this, the Council shall nominate another candidate. In the nomination and election of the new candidate, the prescribed procedure shall be followed: an election shall take place within one month following the date of the announcement of result of the first referendum.

#### Article 85

The President of the Republic shall be elected for a term of seven years beginning at the date of the expiry of the term of office of the incumbent President.

#### Article 86

Should a temporary hindrance prevent the President of the Republic from exercising the duties of his office, he shall ask the Vice President to act on his behalf.

#### Article 87

When resigning his office, the President shall address the letter of resignation to the Speaker of the People's Council.

#### Article 88

The first Vice President of the Republic or the Vice President nominated by President, shall exercise the functions of the President of the Republic when he is unable to exercise these functions. If the hindrances are permanent and in cases of death or resignation, a referendum shall be held in connection with the election of the new President in accordance with the procedures set out in Article (84) of this Constitution. This shall be done within a period of no more than (90) days. Should the Council be in a state of dissolution, or should the period of office remaining for the President be less than 90 days, the first Vice President shall assume the President's duties until the new Council is convened.

#### Article 89

Should the post of the President of the Republic become vacant when there is no Vice President, the President of the Council of Ministers shall exercise the duties and powers of the President of the Republic pending the holding of a referendum to elect a new President within 90 days.

#### Article 90

Prior to assuming office, the President of the Republic shall take, before the People's Council the Constitutional Oath provided for in Article (7) of this Constitution.

#### Article 91

The President of the Republic shall not be responsible for acts performed by him in the exercise of the functions of his office except in the case of high treason. Impeachment of the President shall then be made at the suggestion of at least one third of members of the People's Council and by a decision of the Council based on a vote made publicly and resulting in two third majority, taken at a

special secret meeting of the Council. The trial of the President shall take place before the High Constitutional Court only.

Article 92

The prerogatives and protocol of the office of the President of the Republic shall be defined by law. Its allocations shall be fixed by law.

Article 93

1- The President of the Republic shall watch over adherence to the Constitution and shall guarantee the regular functioning of the upholding of the state.

2- The President of the Republic shall exercise the executive power on behalf the people within the limits defined in this Constitution.

Article 94

The President of the Republic shall draw up the general Policy of the state, shall supervise its implementation in consultation with the Council of Ministers.

Article 95

The President of the Republic nominates one or more Vice Presidents and delegates to them some of his powers. He also nominates the President of the Council of Ministers and his deputies, the ministers and deputy ministers, accepts their resignation and dismisses them from office.

Article 96

Prior to assuming the duties of their office, the Vice Presidents of the Republic shall take before the President of the Republic, the oath prescribed in Article (7) of this Constitution.

Article 97

The President of the Republic may call the Council of Ministers to a meeting presided over by him. He may also ask ministers to report to him.

Article 98

The President of the Republic shall issue the laws passed by the People's Council; he may object to such laws by a decision giving reasons for the objection, within a month of the receipt of such laws by the presidency of the Republic however, should the Council adopt the laws a second time by a two third majority the President of the Republic shall issue them.

Article 99

The President of the Republic shall Issue Decrees, Decisions and Order in Accordance with legislations in force.

Article 100

The President of the Republic shall have the power to declare war, order general mobilization and conclude peace with the assent of the People's Council.

Article 101

The President of the Republic may declare a state of emergency and may cancel it in the manner defined by law.

Article 102

The President of the Republic shall accredit the heads of political missions to foreign governments and receive the credentials of heads of political missions accredited to him.



Article 103

The President of the Republic shall be the Supreme Commander of the Army and the Armed Forces. He shall issue all decisions and orders required in the exercise of this power, which he may partially delegate.

Article 104

The President of the Republic shall conclude international treaties and agreements and shall cancel them in accordance with the provisions of the Constitution.

Article 105

The President of the Republic shall have the power to order a special pardon and recovery of civil rights.

Article 106

The President of the Republic shall have the power to confer medals and decorations.

Article 107

1- The President of the Republic may order the dissolution of the People's Council by a decision issued by him giving reasons for the dissolution. Elections shall take place within 90 days of the dissolution.

2- Dissolution of the People's Council may not be effected more than once for the same reason.

Article 108

1- The President of the Republic may call a meeting of the People's Council in extraordinary session.

2- He also has the right to address messages to the council and make statements before it.

Article 109

The President of the Republic shall appoint the civil and military official and shall terminate their services in accordance with law.

Article 110

The President of the Republic may draw up bills of law and may refer them to the People's Council to deliberate on their approval.

Article 111

1- The President of the Republic can assume legislative power when the People's Council is not in session. All legislation issued by the President shall be referred to the Council in the course of the first session held by the Council.

2- The President of the Republic shall Assume legislative power when the Council is in session if this is required by an extreme necessity relating to the country's national interests or requirements of the national security, provided that all legislation so issued shall be referred to the Council in the first meeting held by the Council after the issuance of the legislation.

3- The People's Council may abolish or amend the legislation issued under the two previous paragraphs by a law. This shall be done by vote of two third majority of the Council's members provided their number is not less than the Council's absolute majority. Such abolishment or amendment shall not have a retroactive effect. If the Council does not abolish or amend the legislation

referred to it, it shall be considered approved; and there shall be no need to vote on it.

4- The President of the Republic shall assume legislative power in the interval between the terms of two Councils. Legislation so passed shall not be referred to the Peoples' Council amendment and abrogation shall be effected through the same procedure prescribed for amending and abrogating laws in force.

#### Article 112

The President of the Republic may refer to the people in a referendum important matters relating to the higher interests of the country which shall be published by the President of the Republic and shall be binding and effective from the day of their announcement.

#### Article 113

Should a grave danger arise threatening national unity or the safety and security of the homeland or impeding state institutions from the performance of their constitutional functions, the President of the Republic shall take speedy measures to face the imminent danger.

#### Article 114

The President of the Republic may set up bodies, Councils and specialized committees whose competence and functions shall be defined in the decisions providing for their formation.

### **(2) The Council of Ministers**

#### Article 115

1- The Council of Ministers is the highest executive and administrative body of the state. It consists of the President of the Council of Ministers, his deputies and the ministers. It supervises the enforcement of laws and regulations and controls the establishments and the machinery of the state.

2- The President of the Council of Ministers supervises the work of the Ministers.

3- The salaries and allowances of the President of the Council of Ministers, of Deputies and of the Ministers, shall be fixed by law.

#### Article 116

Whenever a new cabinet is formed the President of the Council of Ministers and his deputies, and the ministers and deputy ministers shall take, before the President of the Republic and before assuming office the Constitutional Oath prescribed in Article (7) of this Constitution. In the case of a reshuffle, the new ministers only shall take the oath.

#### Article 117

The President of the Council of Ministers and the ministers and the ministers are responsible before the President of the Republic.

#### Article 118

1- Following its formation the Cabinet shall submit to the People's Council a statement concerning the Cabinet's general policy and program of work.

2- The Cabinet shall submit to the people's Council statements on the implementation of plans of development and the increase of production.

Article 119

A minister shall be the administrative head of his ministry with regard to which he shall undertake the carrying out of the general policy of the state.

Article 120

During the mandate of their office, ministers may not become members of the board of directors of a private cooperation or the agents of such corporations. They shall also be prohibited from engaging in any commercial or industrial work, or practicing any liberal profession. During the mandate of their office, Ministers may not, directly or indirectly, compete for contractors or submit tenders to ministries, departments or establishments of the state, or to companies of the Public sector.

Article 121

The law shall define the limits of the penal and civil responsibilities of ministers.

Article 122

When the term of office President of the Republic expires or when he is permanently disabled from discharging the duties of his office for any reason, the Council of Ministers shall continue to run the affairs of the Government pending the nomination of a new cabinet by the new President of the Republic.

Article 123

The President of the Republic shall have the power to have a minister tried for crimes committed by him while discharging the functions of his office or because of these functions. The trial shall be conducted in accordance with provisions of the law and the Constitution.

Article 124

The accused minister shall be suspended from exercising his function as soon as the indictment is issued. His resignation or dismissal from office shall not impede his trial, the procedure of which shall take place as prescribed by the law.

Article 125

The office of minister and the membership of the People's Council may be held simultaneously.

Article 126

Provisions relating to ministers shall apply to deputy ministers.

Article 127

The Council of Ministers shall have the following powers:

- 1- Participation with the President of the Republic in the drawing up and implementation of the general policy of the State.
- 2- Directing, coordinating and following up the work of the Ministries and of all public institutions and services attached to the State.
- 3- Drawing up the General budget of the State.
- 4- Drafting bills of law.
- 5- Preparing plans of economic development developing production, utilization national resources, and all that may enhance and develop economy and increase the national income.

- 6- Receiving loans and granting them in accordance with provisions of the Constitution.
- 7- Concluding agreements and treaties in accordance with provisions of the Constitution.
- 8- Following up the enforcement of laws, maintaining the security of the State and protecting the rights of citizens and the interests of the State.
- 9- Issuing executive and administrative orders and supervising their enforcement.

#### Article 128

In addition to the powers of the Council of Ministers, the President of the Council of Ministers and the ministers shall have the powers defined by laws in force, provided by this Constitution with the powers granted by this constitution to the other authorities of the State.

### **(3) Peoples' Local Councils**

#### Article 129

- 1- The Peoples' Local Councils are those that exercise their power in the administrative units in accordance with the provisions of the law.
- 2- Administrative units shall be determined by provisions of the law.

#### Article 130

The law shall determine the competence of the Peoples' Local Councils, the manner of their elections and formation and the other provisions relating to them.

## **Chapter III Judicial Power**

### **(1) Judges of the Bench and the Prosecution**

#### Article 131

The judicial power is independent. The President of the Republic, assisted by the supreme judiciary Council, shall guarantee this independence.

#### Article 132

The President of the Republic shall preside over the supreme judicial Council; the law shall determine the powers, method of formation and rules of procedure of this Council.

#### Article 133

- 1- Judges are independent. They are subject to no authority other than that of the law in the discharge of their functions.
- 2- The honor, conscience and impartiality of judges shall be a guarantee of the rights and freedom of individuals.

#### Article 134

Judgements are passed in the name of the Arab people of Syria.

#### Article 135

The law shall organize the judicial machinery in all its kinds and degrees and shall determine the competence of the various courts.

Article 136

The law shall determine conditions relating to the appointment, promotion, transfer, disciplinary action against, or dismissal of, judges.

Article 137

The Public Prosecution is the judicial institution presided over by the Minister of Justice. The law shall determine its functions and powers.

Article 138

The Council of State shall exercise judgement in administrative matters. The law shall determine conditions relating to the appointment, promotion, transfer, disciplinary action against, and the dismissal of, judges.

**(2) The High Constitutional Court**

Article 139

The High Constitutional Court shall consist of five members, one of whom shall be President of the Court. Members are appointed by a decree issued by the President of the Republic.

Article 140

A member of the High constitutional court may not be a minister or a member of the Peoples' Council. The law shall determine membership of the Court.

Article 141

The period of membership of the High Constitutional Court is four years. This period is renewable.

Article 142

Members of the High Constitutional Court may not be dismissed from office except in accordance with provisions of the law.

Article 143

Before assuming office, the President and members of the High Constitutional Court shall take, before the President of the Republic and in the presence of the Speaker of the Peoples' Council, the following oath:

<< I swear by Almighty God to respect the Constitution and laws of the country and to discharge my duties faithfully and impartially>>.

Article 144

The High Constitutional Court shall investigate charges relating to the legality of the election of the members of the People's Council and shall report to the Council on results of the investigation.

Article 145

The High Constitutional Court shall investigate and decide upon the constitutionality of laws in the following manner:

1- If the President of the Republic or one fourth of members of the People's Council, question the legality of a law before its promulgation, this promulgation shall be suspended until the court decides the issue within 15 days from the date on which the objection to the law is submitted to the Court in writing. If the law is of an urgent nature, the Constitutional Court shall decide the issue within seven days.

2- If one fourth of members of the People's Council challenges the constitutionality of a legislative Decree within 15 days of the commencement of a session of the Council, the High Constitutional Court has to decide the issue within 15 days from the date on which the objection to the law is submitted to the Court in writing.

3- If the High Constitutional Court decides that a law or a legislative decree is contrary with the provisions of the Constitution, the part of it which is so judged by the Court shall be abrogated with retroactive effect and shall have no consequence.

#### Article 146

The High Constitutional Court shall not have the power to investigate the constitutionality of law referred by the President of the Republic to the people and approved by them in a popular referendum.

#### Article 147

At the request of the President of the Republic, the High Constitutional Court shall give its opinion regarding the constitutionality of bills or laws and legislative decrees and the legality of Decrees.

#### Article 148

The law shall regulate the procedure of deliberating on, and deciding matters within the competence of the high constitutional court, and shall determine its <<Cadre>>, and condition prerequisite in members of the Court as well as their salaries, immunities, prerogatives and responsibilities.

### **PART THREE Amendment of the Constitution**

#### Article 149

1- The President of the Republic, or one third of the members of the People's Council, shall have the right to suggest an amendment of the Constitution.

2- The amendment proposal shall give the text of the provisions proposed for amendment and the reasons for moving the proposal.

3- Immediately on receipt of the amendment proposal the People's Council shall refer it to a special committee to study it.

4- The Council shall debate the amendment proposal and if it is approved by three quarters of its members, the amendment shall be regarded as final provided it is ratified by the President of Republic and incorporated in the Constitution.

### **PART FOUR General and Transitional Provisions**

#### Article 150

The Preamble to this Constitution shall be regarded as an integral and inseparable part of it.

#### Article 151

This Constitution shall not be amended before 18 months from the date on which it becomes effective.

#### Article 152

Pending the formation of the High Constitutional Court, the General body of the Court of Cessation shall investigate the legality of the election of members of

the People's Council, after referring cases to it by the Speaker of the Council and shall report to the Speaker on results of the investigation.

Article 153

All legislation in force issued before the proclamation of this Constitution shall remain effective until amended in conformity with its provisions.

Article 154

The term of office of the incumbent President of the Republic expires after seven years from the date of the announcement of his election as President of the Syrian Arab Republic.

Article 155

Election of the first People's Council in accordance with provisions of this constitution shall be held within 90 days of the announcement of its approval by the people in a referendum.

Article 156

The President of the Republic shall publish this constitution in the <[Official Gazette]>, and its provisions shall become effective as from the date of its approval by the people in a referendum.

Speaker of the People's Council

Fahmi Ah Yusifi

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President of the Republic

Hafez Al - Alsad