

Syria - Constitution
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Preamble

The Arab nation¹² managed to perform a great role in building human civilization when it was a unified nation. When the ties of its national cohesion weakened, its civilizing role receded and the waves of colonial conquest shattered the Arab nation's unity, occupied its territory, and plundered its resources. Our Arab nation has withstood these challenges and rejected the reality of division, exploitation, and backwardness out of its faith in its ability to surmount this reality and return to the arena of history in order to play, together with the other liberated nations, its distinctive role in the construction of civilization and progress.

With the close of the first half of this century, the Arab people's struggle has been expanding and assuming greater importance in various countries to achieve liberation from direct colonialism.

The Arab masses did not regard independence as their goal and the end of their sacrifices, but as a means to consolidate their struggle, and as an advanced phase in their continuing battle against the forces of imperialism, Zionism, and exploitation under the leadership of their patriotic and progressive forces in order to achieve the Arab nation's goals of unity, freedom, and socialism.

In the Syrian Arab region, the masses of our people continued their struggle after independence. Through their progressive march they were able to achieve their big victory by setting off the revolution of 8 March 1963 under the leadership of the Socialist Arab Baath Party, which has made authority an instrument to serve the struggle for the construction of the United Socialist Arab society.

The Socialist Arab Baath Party is the first movement in the Arab homeland which gives Arab unity its sound revolutionary meaning, connects the nationalist with the socialist struggle, and represents the Arab nation's will and aspirations for a future that will bind the Arab nation with its glorious past and will enable it to carry out its role in achieving victory for the cause of freedom of all the peoples.

Through the party's militant struggle, the 16 Nov 1970 corrective movement responded to our people's demands and aspirations. This corrective movement was an important qualitative development and a faithful reflection of the party's spirit, principles, and objectives. It created the appropriate atmosphere for the fulfillment of a number of significant projects in the interest of our large masses, primarily the emergence of the state of the Confederation of Arab Republics in response to the call for unity, which figures prominently in the Arab conscience, which was buttressed by the joint Arab struggle against imperialism and Zionism, regionalist disputes, and separatist movements, and which was confirmed by the contemporary Arab revolution against domination and exploitation.

Under the aegis of the corrective movement, an important stop was taken on the road leading to the consolidation of national unity for our popular masses. Under the leadership of the socialist Arab Baath Party, a national and progressive front with developed conceptions emerged in such a manner as to meet our people's needs and interests and proceed toward unifying the instrument of the Arab revolution in a unified political organization.

The completion of this Constitution crowns our people's struggle on the road of the principle of popular democracy, is a clear guide for the people's march toward the future and a regulator of the movement of the state and its various institutions, and is a source of its legislation.

The Constitution is based on the following major principles:

1) The comprehensive Arab revolution is an existing and continuing necessity to achieve the Arab nation's aspirations for unity, freedom, and socialism. The revolution in the Syrian Arab region is part of the comprehensive Arab revolution. Its policy in all areas stems from the general strategy of the Arab revolution.

2) Under the reality of division, all the achievements by any Arab country will fail to fully achieve their scope and will remain subject to distortion and setback unless these achievements are buttressed and preserved by Arab unity. Likewise, any danger to which any Arab country may be exposed on the part of imperialism and Zionism is at the same time a danger threatening the whole Arab nation.

3) The march toward the establishment of a socialist order besides being a necessity stemming from the Arab society's needs, is also a fundamental necessity for mobilizing the potentialities of the Arab masses in their battle with Zionism and imperialism.

4) Freedom is a sacred right and popular democracy is the ideal formulation which insures for the citizen the exercise of his freedom which makes him a dignified human being capable of giving and building, defending the homeland in which he lives, and making sacrifices for the sake of the nation to which he belongs. The homeland's freedom can only be preserved by its free citizens. The citizen's freedom can be completed only by his economic and social liberation.

5) The Arab revolution movement is a fundamental part of the world liberation movement. Our Arab people's struggle forms a part of the struggle of the peoples for their freedom, independence, and progress.

This constitution serves as a guide for action to our people's masses so that they will continue the battle for liberation and construction guided by its principles and provisions in order to strengthen the positions of our people's struggle and to drive their march toward the aspired future.

Chapter 1 Basic Principles

Part 1 Political Principles

Article 1 [Arab Nation, Socialist Republic]

(1) The Syrian Arab Republic is a democratic, popular, socialist, and sovereign state. No part of its territory can be ceded. Syria is a member of the Union of the Arab Republics.

(2) The Syrian Arab region is a part of the Arab homeland.

(3) The people in the Syrian Arab region are a part of the Arab nation. They work and struggle to achieve the Arab nation's comprehensive unity.

Article 2 [Republic, Sovereignty]

(1) The governmental system of the Syrian Arab region is a republican system.

(2) Sovereignty is vested in the people, who exercise it in accordance with this Constitution.

Article 3 [Islam]

(1) The religion of the President of the Republic has to be Islam.

(2) Islamic jurisprudence is a main source of legislation.

Article 4 [Language, Capital]

The Arab language is the official language. The capital is Damascus.

Article 6 [Flag, Emblem, Anthem]

The state flag, emblem, and the national anthem are the flag, emblem, and the national anthem of the Union of the Arab Republics.

Article 7 [Oath]

The constitutional oath is as follows:

"I swear by God the Almighty to sincerely preserve the republican, democratic, and popular system, respect the constitution and the laws, watch over the interests of the people and the security of the homeland, and work and struggle for the realization of the Arab nation's aims of unity, freedom, and socialism."

Article 8 [Baath Party]

The leading party in the society and the state is the Socialist Arab Baath Party. It leads a patriotic and progressive front seeking to unify the resources of the people's masses and place them at the service of the Arab nation's goals.

Article 9 [Organizations]

Popular organizations and cooperative associations are establishments which include the people's forces working for the development of society and for the realization of the interests of its members.

Article 10 [People's Councils]

People's councils are establishments elected in a democratic way at which the citizens exercise their rights in administering the state and leading the society.

Article 11 [Armed Forces]

The armed forces⁵²⁵⁵ and other defense organizations are responsible for the defense of the homeland's territory and for the protection of the revolution's objectives of unity, freedom, and socialism.

Article 12

The state is at the people's service. Its establishments seeks to protect the fundamental rights of the citizens and develop their lives. It also seeks to support the political organizations in order to bring about self-development.

Part 2 Economic Principles

Article 13 [Economy]

- (1) The state economy is a planned socialist economy which seeks to end all forms of exploitation.
- (2) The region's economic planning serves in achieving economic integration in the Arab homeland.

Article 14 [Ownership]

The law regulates ownership, which is of three kinds:

- (1) Public ownership includes natural resources, public utilities, and nationalized installations and establishments, as well as installations and establishments set up by the state. The state undertakes to exploit and to supervise the administration of this property in the interest of the entire people. It is the duty of the citizens to protect this property.
- (2) Collective ownership includes the property belonging to popular and professional organizations and to production units, cooperatives, and other social establishments. The law guarantees its protection and support.
- (3) Individual ownership includes property⁶²² belonging to individuals. The law defines its social task in serving the national economy within the framework of the development plan. This property should not be used in ways contrary to the people's interests.

Article 15 [Expropriation]

- (1) Individual ownership may not be expropriated except for public interest and in return for just compensation in accordance with the law.
- (2) The public seizure of funds is permissible.
- (3) Private seizure cannot be effected except through a judicial decision.
- (4) Private seizure ordered by law is permissible in return for just compensation.

Article 16 [Agricultural Ownership]

The law defines the maximum of agricultural ownership in a manner that guarantees the protection of the farmer and of the agricultural worker against exploitation and insures increase in production.

Article 17 [Inheritance]

The right of inheritance is guaranteed in accordance with the law.

Article 18 [Savings]

Saving is a national duty protected, encouraged, and organized by the state.

Article 19 [Taxes]

Taxes are imposed on an equitable and progressive bases which achieve the principles of equality and social justice.

Article 20

The exploitation of private and joint economic foundations must seek to meet the social needs, increase the national income, and achieve the people's prosperity.

Part 3 Educational and Cultural Principles

Article 21 [Goals]

The educational and cultural system aims at creating a socialist nationalist Arab generation which is scientifically minded and attached to its history and land, proud of its heritage, and filled with the spirit of struggle to achieve its nation's objectives of unity, freedom, and socialism, and to serve humanity and its progress.

Article 22 [Progress]

The educational system has to guarantee the people's continuous progress and adapt itself to the ever-developing social, economic, and cultural requirements of the people.

Article 23 [Socialist Education, Arts, Sports]

(1) The nationalist socialist education is the basis for building the unified socialist Arab society. It seeks to strengthen moral values, to achieve the higher ideals of the Arab nation, to develop the society, and to serve the causes of humanity. The state undertakes to encourage and to protect this education.

(2) The encouragement of artistic talents and abilities is one of the bases of the progress and development of society, artistic creation is based on close contact with the people's life. The state fosters the artistic talents and abilities of all citizens.

(3) Physical education is a foundation for the building of society. The state encourages physical education to form a physically, mentally, and morally strong generation.

Article 24 [Science, Intellectual Property]

(1) Science, scientific research, and all scientific achievements are basic elements for the progress of the socialist Arab society. Comprehensive support is extended by the state.

(2) The state protects the rights of authors and inventors who serve the people's interests.

Part 4 Freedom, Rights, Duties

Article 25 [Personal Freedom, Dignity, Equality]

(1) Freedom is a sacred right. The state protects the personal freedom of the citizens and safeguards their dignity and security.

(2) The supremacy of law is a fundamental principle in the society and the state.

(3) The citizens are equal before the law in their rights and duties.

(4) The state insures the principle of equal opportunities for citizens.

Article 26 [Participation]

Every citizen has the right to participate in the political, economic, social, and cultural life. The law regulates this participation.

Article 27 [Boundaries of the Law]

Citizens exercise their rights and enjoy their freedoms in accordance with the law.

Article 28 [Defense]

- (1) Every defendant is presumed innocent until proven guilty by a final judicial decision.
- (2) No one may be kept under surveillance or detained except in accordance with the law.
- (3) No one may be tortured physically or mentally or be treated in a humiliating manner. The law defines the punishment of whoever commits such an act.
- (4) The right of litigation, contest, and defense before the judiciary is safeguarded by the law.

Article 29 [Criminal Laws]

What constitutes a crime or penalty can only be determined by law.

Article 30 [Retroactive Laws]

Laws are binding only following the date of their enactment and cannot be retroactive. In other than penal cases, the contrary may be stipulated.

Article 31 [Home]

Homes are inviolable. They may not be entered or searched except under conditions specified by law.

Article 32 [Secrecy of Communication]

The privacy of postal and telegraphic contacts is guaranteed.

Article 33 [Residence, Move]

- (1) A citizen may not be deported from the homeland.
- (2) Every citizen has the right to move within the state's territory unless forbidden to do so by a judicial sentence or in implementation of public health and safety laws.

Article 34 [Asylum]

Political refugees cannot be extradited because of their political principles or their defense of freedom.

Article 35 [Religion]

- (1) The freedom of faith is guaranteed. The state respects all religions.
- (2) The state guarantees the freedom to hold any religious rites, provided they do not disturb the public order.

Article 36 [Work]

- (1) Work is a right and duty⁶⁸⁴ of every citizen. The state undertakes to provide work for all citizens.
- (2) Every citizen has the right to earn his wage according to the nature and yield of the work. The state must guarantee this.
- (3) The state fixes working hours, guarantees social security, and regulates rest and leave rights and various compensations and rewards for workers.

Article 37 [Free Education]

Education is a right guaranteed by the state. Elementary education is compulsory and all education is free. The state undertakes to extend compulsory education to other levels and to supervise and guide education in a manner consistent with the requirements of society and of production.

Article 38 [Expression]

Every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression⁶²⁴². He also has the right to participate in supervision and constructive criticism in a manner that safeguards the soundness of the domestic and nationalist structure and strengthens the socialist system. The state guarantees the freedom of the press, of printing, and publication in accordance with the law.

Article 39 [Assembly]

Citizens have the right to meet and demonstrate peacefully within the principles of the Constitution. The law regulates the exercise of this right.

Article 40 [Defense]

(1) All citizens have the sacred duty to defend the homeland's security, to respect its Constitution and socialist unionist system.

(2) Military service is compulsory and regulated by law.

Article 41 [Taxes]

The payment of taxes and public expenses is a duty in accordance with the law.

Article 42 [Preservation of Unity]

It is a duty of every citizen to preserve the national unity and to protect state secrets.

Article 43 [Citizenship]

The law regulates Syrian Arab citizenship and guarantees special facilities for the Syrian Arab expatriates and their sons and for the citizens of the Arab countries.

Article 44 [Family, Marriage, Children]

(1) The family is the basic unit of society and is protected by the state.

(2) The state protects and encourages marriage and eliminates the material and social obstacles hindering it. The state protects mothers and infants⁶⁴⁶ and extends care to adolescents and youths and provides them with the suitable circumstances to develop their faculties.

Article 45 [Women]

The state guarantees women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state removes the restrictions that prevent women's development and participation in building the socialist Arab society.

Article 46 [Insurance, Welfare]

(1) The state insures every citizen and his family in cases of emergency, illness, disability, orphanhood, and old age.

(2) The state protects the citizens' health and provides them with the means of protection, treatment, and medication.

Article 47 [Services]

The state guarantees cultural, social, and health services. It especially undertakes to provide these services to the village in order to raise its standard.

Article 48 [Organizations]

The popular sectors have the right to establish unionist, social, professional organizations, and production cooperatives. The framework of the organizations, their relations, and the scope of their work is defined by law.

Article 49 [Organizational Functions]

The popular organizations by law effectively participate in the various sectors and councils to realize the following:

- (1) Building the socialist Arab society and defending the system.
- (2) Planning and guiding of the socialist economy.
- (3) Development of work conditions, safety, health, culture, and all other affairs pertaining to the lives of the organization members.
- (4) Achievement of scientific and technical progress and the development of the means of production.
- (5) Popular supervision of the machinery of government.

Chapter 2 Powers of the State

Part 1 Legislative Power

Article 50 [People's Assembly]

- (1) The People's Assembly⁵³² assumes legislative power in the manner defined in this Constitution.
- (2) The members of the People's Assembly are elected by general, secret, direct, and equal ballot in accordance with the provisions of the election law.

Article 51 [Term]

The People's Assembly is elected for 4 years beginning on the date of its first meeting. This term can be extended by law only in the state of war.

Article 52 [Representation]

A member of the People's Assembly represents the whole people. His mandate may not be limited by any restrictions or conditions. He must exercise his mandate guided by his honor and conscience.

Article 53 [Membership]

The law defines the electoral districts and the number of the members of the People's Assembly, provided that at least half their number are workers and peasants. The law defines the terms: worker and peasant.

Article 54 [Voters]

Voters are citizens of at least 18 years of age who are listed in the civil status register and who meet the conditions specified in the election law.

Article 55 [Election, Referendum]

The law provides for elections and plebiscites. It defines the conditions to be met by members of the People's Assembly.

Article 56 [State Worker Candidacy]

State workers, including public sector workers, may nominate themselves for membership in the Assembly. Except in the cases defined by law, the elected member may take a leave in order to join the Assembly. His position or work is reserved for him and the period of leave is regarded as active duty.

Article 57 [Electoral Guarantees]

The election⁶²⁷¹ law must include provisions guaranteeing:

- 1) Freedom of the voters in electing their representatives and integrity of the election.
- 2) The right of the candidates to watch over the voting.
- 3) Punishment for those who tamper with the will of the voters.

Article 58 [Continuous Assembly]

- (1) The elections are to be held within 90 days following the date of the expiration of the Assembly's term.
- (2) The People's Assembly reconvenes in accordance with the law if no other Assembly is elected. It convenes after the lapse of 90 days and remains in office until a new Assembly is elected.

Article 59 [Vacancies]

If a seat becomes vacant for any reason, a member is elected to this seat within 90 days after the vacancy, provided the remaining period of the Assembly's term is not less than 6 months. Membership of the new member ends with expiration of the Assembly's term. The election law defines the conditions of membership vacancies.

Article 60 [First Meeting]

- (1) The People's Assembly is invited to meet by a decree issued by the President of the Republic within 15 days beginning on the date of the announcement of the results of the elections. The Assembly meets in accordance with the law on the 16th day if no decree is inviting the Assembly to hold a session.
- (2) At its first meeting, the Assembly elects its President and the members of its secretariat.

Article 61 [Sessions]

The People's Assembly is convened in three ordinary sessions yearly. It may also be convened in extraordinary sessions. The Assembly's table of organization sets the dates and periods of the sessions. The Assembly is invited to meet at extraordinary sessions by a decision of the President of the Assembly, at the written request of the President of the Republic, or at the request of one-third of the members of the Assembly.

Article 62 [Electoral Control]

The People's Assembly rules on the validity of the membership of its members if it is challenged in light of investigations undertaken by the Supreme Constitutional Court within one month of the Assembly's notification of the Court's verdict. A member's membership in the Assembly is invalidated only by a majority vote of its members.

Article 63 [Oath]

Before assuming office, each member of the Assembly publicly takes before the Assembly the oath specified in Article 7.

Article 64 [Remuneration]

The compensations and allowances for the members of the Assembly are defined by law.

Article 65 [Internal Organization]

The People's Assembly lays down its internal organization to regulate the mode of work and the manner of carrying out its duties.

Article 66 [Indemnity]

Members of the Assembly are not accountable before criminal or civil courts for any occurrences or views they express, in voting in public or secret sessions, or in the activities of the various committees.

Article 67 [Immunity]

Members of the Assembly enjoy immunity throughout the term of the Assembly. Unless they are apprehended in the act of committing a crime, no penal measures can be taken against any member without the advance permission of the Assembly. When the Assembly is not in session, permission must be obtained from the President of the Assembly. As soon as it convenes, the Assembly is notified of the measures taken.

Article 68 [Incompatibility]

- (1) An Assembly member may not take advantage of his Assembly membership in any activities.
- (2) The law defines the activities which are incompatible with membership in the Assembly.

Article 69 [President, Guard]

- (1) The President of the People's Assembly represents, signs, and speaks on behalf of the Assembly.
- (2) The Assembly has a spacial guard which accepts the orders of the President of the Assembly. No other armed force may enter the Assembly building without permission of the President of the Assembly.

Article 70 [Membership Rights]

The members of the Assembly have the right to propose bills and address questions and inquiries to the cabinet or any minister in accordance with the Assembly's internal organization.

Article 71 [Powers]

The People's Assembly assumes the following powers:

- 1) Nomination of the President of the Republic.
- 2) Approval of the laws⁵³²³.
- 3) Debate of cabinet policy.
- 4) Approval of the general budget and development plans.
- 5) Approval of international treaties and agreements connected with state security; namely, peace and alliance treaties, all treaties connected with the rights of sovereignty or agreements which grant concessions to foreign companies or establishments, as well as treaties and agreements which entail expenditures of the state treasury not included in the treasury's budget, and treaties and agreements which run counter to the provisions of the laws in force or treaties and agreements which require promulgation of new legislation to be implemented.
- 6) Approval of general amnesty.
- 7) Acceptance or rejection of the resignation of a member of the Assembly.
- 8) Withholding confidence in the cabinet or a minister.

Article 72 [Vote of No Confidence]

Confidence may not be withheld without the interrogation of the cabinet or a minister. A request for withholding confidence has to be made in accordance with a proposal submitted by at least one-fifth of the members of the Assembly. Confidence in the cabinet or a minister may be withheld by a majority of the members of the Assembly. In the event of no confidence in the cabinet, the Prime Minister must submit the cabinet's resignation to the President of the Republic. A minister from whom confidence has been withheld must also resign.

Article 73 [Committees]

The Assembly forms provisional committees from its members to collect information and to find facts on the subjects concerning the exercising of its jurisdiction.

Article 74 [Budget]

The draft budget⁵³²⁵ is submitted to the Assembly two months before the beginning of the fiscal year. The budget is not in force unless it is approved by the Assembly.

Article 75 [Budge Vote]

Voting on the budget is chapter by chapter. The method of preparing the budget is defined by law.

Article 76 [Fiscal Year]

Every fiscal year has one budget and the beginning of the fiscal year is defined by law.

Article 77 [Continuing Budget]

If the Assembly fails to approve the budget before the beginning of the new fiscal year, the previous fiscal year remains in force until approval of the new fiscal year. Revenues are obtained in accordance with the laws still in force.

Article 78 [Budget Changes]

No change in the budget's chapters is permissible except in accordance with provisions of the law.

Article 79 [Budget Amendments]

During study of the budget, the Assembly has no right to increase the estimates of revenues and expenditures.

Article 80 [New Expenditures]

After approval of the budget, the Assembly can approve laws on new expenditures and revenues.

Article 81 [Tax Laws]

It is not permissible to impose taxes, to modify taxes, or to cancel taxes except by law.

Article 82

Final accounts for the fiscal year are submitted to the Assembly within two years of the end of that year. The settlement of accounts should be made by law. Amounts to be applied to the settlement of accounts should be applied to the budget, subject to approval.

Part 2 The Executive Authority

Section 1 The President of the Republic

Article 83 [Eligibility]

A candidate for the presidency must be an Arab Syrian, enjoying his civil and political rights, and be over 40 years of age.

Article 84 [Election]

Upon the proposal of the Arab Socialist Baath Party regional command, the Assembly issues the order for election of the President:

- 1) the candidacy is proposed to the citizens for referendum;
- 2) the referendum takes place upon the request of the President of the Assembly;
- 3) the new president is elected before termination of the term of the present President, within a period of not less than 30 days and not more than 60 days;
- 4) the candidate becomes President of the Republic if he obtains an absolute majority of the total votes. If he fails to obtain this majority, the Assembly names another candidate. The same procedures are followed concerning the election, provided this takes place within 1 month from the time the results of the first plebiscite were announced.

Article 85 [Term]

The President of the Republic is elected for 7 years according to the Christian calendar, beginning at the date of the expiration of the term of the incumbent President.

Article 86 [Incapacity]

If any temporary incapacity prevents the President of the Republic from carrying out his duties, the Vice President takes his place.

Article 87 [Resignation]

If the President of the Republic wishes to resign, he must submit his resignation to the Assembly.

Article 88 [Re-Election]

The first Vice President of the Republic or the Vice President named by the President, carries out the President's duties if the President fails to do so. If the incapacity is permanent or in case of death or resignation, a referendum takes place to elect a new President in accordance with the provisions of Article 84, within a period not exceeding 90 days. If the Assembly is dissolved or if its term is due to expire in less than 90 days, the first Vice President carries out the President's duties until the new Assembly convenes.

Article 89 [Vacancy]

If the post of President becomes vacant and there is no Vice President, the Prime Minister exercises all the President's powers and jurisdictions until a new President is elected by means of referendum within 90 days.

Article 90 [Oath]

Before taking his post, the President takes the constitutional oath before the People's Assembly in accordance with Article 7.

Article 91 [Liability]

The President cannot be held responsible for actions pertaining directly to his duties, except in the case of high treason. A request for his indictment requires a proposal of at least one-third of the members of the People's Assembly and an Assembly decision adopted by a two-thirds majority in an open vote at a special secret session. His trial takes place only before the Supreme Constitutional Court.

Article 92 [Remuneration]

The protocol, privileges, and compensation of the post of the President of the Republic are established by law.

Article 93 [Functions]

(1) The President of the Republic insures respect for the Constitution, the orderly functioning of public authorities, and the preservation of the state.

(2) The President of the Republic exercises executive authority on behalf of the people within the limits defined in this Constitution.

Article 94 [Policy]

The President of the Republic, through consultation with the cabinet, lays down the state's general policy and supervise its implementation.

Article 95 [Appointments]

The President of the Republic appoints one or more Vice Presidents and delegates some of his duties to them. The President also appoints the Prime Minister and his deputies and the ministers and their deputies, accepts their resignations, and dismisses them from their posts.

Article 96 [Oath]

Before assuming their posts, the Vice Presidents take the Constitutional oath specified in Article 7 before the President of the Republic.

Article 97 [Cabinet Meeting, Reports]

The President of the Republic can call a cabinet meeting under his Chairmanship. He can also request reports from the ministers.

Article 98 [Veto]

The President of the Republic promulgates the laws approved by the People's Assembly, he may veto these laws through a decision, giving the reasons for this objection, within a month after their receipt by the President. If the Assembly again approves them by a two-thirds majority, the President of the Republic has to issue them.

Article 99 [Decrees]

The President of the Republic issues decrees, decisions, and orders in accordance with the legislation in effect.

Article 100 [War and Peace]

The President of the Republic can declare war and general mobilization and conclude peace following the approval by the People's Assembly.

Article 101 [State of Emergency]

The President of the Republic can declare and terminate a state of emergency in the manner stated in the law.

Article 102 [Diplomacy]

The President of the Republic accredits the heads of diplomatic missions to foreign governments and accepts the accreditation of the heads of foreign diplomatic missions to him.

Article 103 [Commander-in-Chief]

The President of the Republic is the supreme commander of the army and the armed forces. He issues all the necessary decisions and orders in exercising this authority. He can delegate some of his authority.

Article 104 [Treaties]

The President of the Republic ratifies and abolishes international treaties and agreements in accordance with the provisions of the Constitution.

Article 105 [Amnesty]

The President of the Republic can issue amnesty and reinstatement decisions.

Article 106 [Decorations]

The President of the Republic can bestow decorations.

Article 107 [Dissolution of Parliament]

(1) The President of the Republic can dissolve the People's Assembly through a decision giving the reasons. Elections are held within 90 days from the date of the dissolution.

(2) He may not dissolve the People's Assembly more than once for the same reason.

Article 108 [Extraordinary Sessions, Addresses]

- (1) The President of the Republic can call on the People's Assembly to convene an extraordinary session.
- (2) He can also address the Assembly through messages and can make statements before the Assembly.

Article 109 [Appointment of Officials]

The President of the Republic appoints civilian and military officials and terminates their services in accordance with the law.

Article 110 [Initiative]

The President of the Republic may draft project laws and submit them to the Assembly for approval.

Article 111 [Assuming Legislative Authority]

- (1) The President of the Republic assumes legislative authority when the People's Assembly is not in session, provided that all the legislation issued by him is referred to the People's Assembly in its first session.
- (2) The President of the Republic can assume legislative authority even when the Assembly is in session if it is extremely necessary in order to safeguard the country's national interests or the requirements of national security, provided that the legislation issued by him is referred to the People's Assembly in its first session.
- (3) The People's Assembly can abolish or amend the legislation as provided for in Paragraph (1) and (2), or by law by a two-thirds majority of the members attending the session, provided their number is not less than the Assembly's absolute majority and provided that the amendment or abolition does not have a retroactive effect. If the Assembly does not abolish or amend this legislation, then it is considered legally approved and there will be no need for a vote on it.
- (4) The President of the Republic assumes legislative authority in the interim period between two assemblies. Legislation issued by the President during this period is not referred to the People's Assembly. Its validity as regards amendments or abrogation are the same as with existing laws.

Article 112 [Referenda]

The President of the Republic can hold public referenda on important issues affecting the country's highest interests. The results of the referenda are binding and effective on the date of their promulgation. The President of the Republic issues the results.

Article 113 [Emergency Measures]

In case of a grave danger or situation threatening national unity or the safety and independence of the homeland or obstructing state institutions from carrying out their constitutional responsibilities, the President of the Republic can take immediate measures necessitated by these circumstances.

Article 114

The President of the Republic can form specialized organizations, councils, and committees. The powers and jurisdiction of these bodies are specified in the decisions forming them.

Section 2 The Council of Ministers

Article 115 [Cabinet]

- (1) The cabinet⁵²⁵ is the state's highest executive and administrative body. It consists of the President of the Council of Ministers, his deputies, and the ministers. It supervises the execution of the laws and regulations and the work of the state machinery and institutions.
- (2) The President of the Council of Ministers supervises the activities of the ministers.
- (3) The compensations and allowances of the President of the Council of Ministers, his deputies, the ministers, and their deputies are fixed by law.

Article 116 [Oath]

The President of the Council of Ministers, his deputies, and the ministers and their deputies take the constitutional oath, as specified in Article 7, before the President of the Republic and before they assume their responsibilities, whenever a new cabinet is formed. In the case of a cabinet reorganization, only the new ministers takes the oath.

Article 117 [Responsibility]

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

Article 118 [Policy Statements]

(1) Upon its formation, the cabinet submits a statement to the People's Assembly on its general policy and programs of action.

(2) The Cabinet submits annual statements to the People's Assembly on implementation of the development plans and production progress.

Article 119 [Minister]

The Minister is the highest administrative authority in his ministry. He carries out the state's general policy where it concerns his ministry.

Article 120 [Incompatibility]

While in office, the ministers are not permitted to be members of the Board of Directors of any private company, act as its agents, participate in any commercial or industrial transaction, or undertake any liberal profession. While in office, the ministers are not permitted to be directly or indirectly involved in the contracts, tenders, or works carried out by the state ministries, departments, or establishments, or by public sector companies.

Article 121 [Liability]

The law defines the civil and penal responsibilities of the ministers.

Article 122 [Continuing Cabinet]

On the expiration of the term of the President of the Republic or in the case of his permanent inability to discharge his duties for any reason, the cabinet continues to manage the affairs of the state until the new president names a new cabinet.

Article 123 [Criminal Liability]

The President of the Republic has a right to refer a minister to trial for whatever crimes he commits while in his post or because of it, in accordance with provisions of the Constitution and the law.

Article 124 [Suspension]

An accused minister is suspended as soon as the indictment is issued and until the court arrives at a decision regarding the charges brought against him. His resignation or dismissal does not prevent committing him to trial. The trial and its procedures are in accordance with the law.

Article 125 [Compatibility]

Cabinet and People's Assembly membership may be combined.

Article 126 [Deputy Ministers]

The provisions applicable to the ministers are also applicable to the deputy ministers.

Article 127 [Powers]

The cabinet has the following powers:

- 1) Participation with the President of the Republic in drawing up and carrying out the state's general policy.
- 2) Steering, coordinating, and following up the work of the ministries and all the state's public departments and establishments.
- 3) Drawing up the state's general budget project.
- 4) Preparing draft laws.
- 5) Preparing the development plan, developing production, and exploiting national resources and everything that will strengthen the economy and increase the national income.
- 6) Contracting and granting loans in accordance with the provisions of the Constitution.
- 7) Concluding agreements and treaties in accordance with the provisions of the Constitution.
- 8) Following up the enforcement of the laws, preserving the state's security, and safeguarding the rights of the citizens and the state's interest.
- 9) Issuing administrative and executive decisions in accordance with laws and regulations, and supervising their implementation.

Article 128 [Other Powers]

In addition to the cabinet's powers, the Prime Minister and the ministers discharge the duties mentioned in valid legislation, provided they are not in conflict with the powers given to other state authorities by this Constitution.

Part 3 The Local People's Councils

Article 129 [Councils]

- (1) The Local People's Councils⁵²⁸ are bodies which exercise their powers within the administrative units in accordance with the law.
- (2) The administrative units are defined in accordance with the provisions of the law.

Article 130 [Powers]

The law defines the powers of The Local People's Councils, the method of electing and forming them, the rights and duties of their members, and all relevant regulations.

Chapter 3 The Judicial Authority

Part 1 Court Judges and Public Prosecutors

Article 131 [Independence of the Judiciary]

The judicial authority⁵⁴¹ is independent. The President of the Republic guarantees this independence with the assistance of the Higher Council of the Judiciary.

Article 132 [Higher Council of the Judiciary]

The President of the Republic presides over the Higher Council of the Judiciary. The law defines the method of its formulation, its powers, as well as its internal operating procedures.

Article 133 [Independence of Judges]

- (1) Judges are independent⁵⁴². They are subject to no authority except that of the law.
- (2) The honor, conscience, and impartiality of judges are guarantees of public rights and freedoms.

Article 134 [Sentences]

Sentences are issued in the name of the Arab people of Syria.

Article 135 [Organization]

The law organizes the judicial system along with its categories, types, and grades of judges. It also defines the regulations pertaining to the jurisdiction in the different courts.

Article 136 [Status of Judges]

The law defines the terms of appointment, promotion, transfer, discipline, and removal of judges.

Article 137 [Public Prosecution]

The public prosecution is a single juridical institution headed by the Minister of Justice. The law organizes its functions and powers.

Article 138 [Administrative Jurisdiction]

The Council of State exercises administrative jurisdiction. The law defines the terms of appointment, promotion, discipline, and removed of its judges.

Part 2 The Supreme Constitutional Court

Article 139 [Membership]

The Supreme Constitutional Court⁵⁴¹³ is composed of five members, of whom one will be the President, and all of whom are appointed by the President of the Republic by decree.

Article 140 [Incompatibility]

It is not permissible to combine the membership of the Supreme Constitutional Court with a ministerial post or membership in the People's Assembly. The law defines other functions which cannot be combined with court membership.

Article 141 [Term]

The term of membership of the Supreme Constitutional Court is 4 years subject to renewal.

Article 142 [Dismissal]

Members of the Supreme Constitutional Court cannot be dismissed from court membership except in accordance with the provisions of the law.

Article 143

Before assuming their duty, the President and members of the Supreme Constitutional Court take the following oath before the President of the Republic and in the presence of the speaker of the People's Assembly:

"I swear by the Almighty to respect the country's Constitution and laws and to carry out my duty with impartiality and loyalty."

Article 144 [Electoral Control]

The Supreme Constitutional Court determines the validity of the special appeals regarding the election of the members of the People's Assembly and submits to it a report on its findings.

Article 145 [Constitutional Review]

The Supreme Constitutional Court looks into and decides on the constitutionality of laws in accordance with the following:

1) Should the President of the Republic or a quarter of the People's Assembly members challenge the constitutionality of a law before its promulgation, the promulgation of such law is suspended until the court makes a decision on it within 15 days from the date the appeal was filed with it. Should the law be of an urgent nature, the Supreme Constitutional Court must make a decision within 7 days.

2) Should a quarter of the People's Assembly members object to the constitutionality of a legislative decree within 15 days of the date of the People's Assembly session, the Supreme Constitutional Court must decide on it within 15 days from the date the objection was filed with it.

3) Should the Supreme Constitutional Court decide that a law or a decree is contrary to the Constitution, whatever is contrary to the text of the Constitution is considered null and void with retroactive effect and has no consequence.

Article 146 [No Review Of Referendum Laws]

The Supreme Constitutional Court has no right to look into laws which the President of the Republic submits to public referendum and are approved by the people.

Article 147 [Review of Drafts]

The Supreme Constitutional Court, at the request of the President of the Republic, gives its opinion on the constitutionality of bills and legislative decrees and the legality of draft decrees.

Article 148 [Constitutional Court Statute]

The law determines the procedure of hearing and adjudicating in matters coming under the jurisdiction of the Supreme Constitutional Court. It also defines the court staff, the qualifications of its members, and prescribes their salaries, immunities, privileges, and responsibilities.

Part 3 Amending the Constitution

Article 149 [Initiative, Majority]

(1) The President of the Republic as well as a two-thirds majority of the People's Assembly members have a right to propose amending the Constitution.

(2) The amendment proposal includes the provisions to be amended and the reasons for it.

(3) Upon receipt of the proposal, the People's Assembly sets up a special committee to investigate it.

(4) The Assembly discusses the amendment proposal, and if approved by a two-thirds majority of its members, the amendment is considered final, provided it is approved by the President of the Republic. It will then be included in the body of the Constitution.

Chapter 4 General and Transitory Provisions

Article 150 [Preamble is Part of Constitution]

The preamble of this Constitution is considered an integral part of it.

Article 151 [First Amendments]

This Constitution may not be amended before the lapse of 18 months from the date it comes into effect.

Article 152 [Temporary Election Control]

Until the Supreme Constitutional Court is formed, the general body of the Court of Cession has the jurisdiction to examine appeals regarding the validity of the election of the members of the People's Assembly after such appeals are referred to it by the President of the Assembly. The court submits to the President of the Assembly a report of its findings.

Article 153 [Old Laws]

Legislation in effect and issued before the proclamation of this Constitution remains in effect until it is amended so as to be compatible with its provisions.

Article 154 [Term of President]

The term of the incumbent President of the Republic expires after 7 years of the Christian Era from the date of the announcement of his election as President of the Syrian Arab Republic.

Article 155 [First Parliamentary Elections]

Elections for the first People's Assembly are held under the Constitution within 90 days from the date it is declared approved by a public referendum.

Article 156 [Publication, Enforcement]

The President of the Republic publishes this Constitution in the Official Gazette and it is considered in effect from the date of its approval by a public referendum.