

Libya - Constitution

{Adopted on: 11 Dec 1969}

Preamble

The Revolutionary Command Council, in the name of the Arab people in Libya, who pledged to restore their freedom, enjoy the wealth of their land, live in a society in which every loyal citizen has the right to prosperity and well-being, who are determined to break the restraints which impede their growth and their development, who will stand with their brothers from all parts of the Arab Nation in the struggle for the restoration of every inch of Arab land desecrated by imperialism and for the elimination of all obstacles which prevent Arab unity from the Gulf to the Ocean. In the name of the Libyan people who believe that peace cannot be achieved without justice, who are conscious of the importance of strengthening the ties which unite them with all the people of the world who are struggling against imperialism; who understand fully that the alliance of reaction and imperialism is responsible for their underdevelopment despite the abundance of their natural resources, and for the corruption which spread through the governmental apparatus; who are conscious of their responsibility in the establishment of a national, democratic, progressive, and unitary government.

In the name of the popular will, expressed on September 1 by the Armed Forces who overthrew the monarchical regime and proclaimed the Libyan Arab Republic in order to protect and strengthen the Revolution until it attains its objectives of freedom, socialism, and unity.

The present Constitutional Proclamation is made to provide a basis for the organization of the state during the phase of completion of the national and democratic revolution, until a permanent constitution is prepared, defining the objectives of the Revolution and outlining the future course.

Chapter I The State

Article 1 [Principles]

Libya is an Arab, democratic, and free republic in which sovereignty is vested in the people. The Libyan people are part of the Arab nation. Their goal is total Arab unity. The Libyan territory is a part of Africa. The name of the country is the Libyan Arab Republic.

Article 2 [State Religion, Language]

Islam is the religion of the State and Arabic is its official Language. The state protects religious freedom in accordance with established customs.

Article 3 [Solidarity, Family]

Social solidarity constitutes the foundation of national unity. The family, based on religion, morality, and patriotism, is the foundation of society.

Article 4 [Work]

Work in the Libyan Arab Republic is a right, a duty, and an honor for every able-bodied citizen. Public functions are the duty of those who are put in charge of them. The goal of the state employees in discharging their duties is to serve the people.

Article 5 [Equality]

All citizens are equal before the law.

Article 6 [Socialism]

The aim of the state is the realization of socialism through the application of social justice which forbids any form of exploitation. The state endeavors, through the edification of a socialist community, to achieve self-sufficiency in production and equity in distribution. Its aim is to eliminate peacefully the disparities between social classes and to attain a society of prosperity. Its inspiration is its Arabic and Islamic heritage, humanitarian values and the specific conditions of the Libyan society.

Article 7 [Economy]

The state will endeavor to liberate the national economy from dependence and foreign influence, and to turn it into a productive national economy, based on public ownership by the Libyan people and on private ownership by individual citizens.

Article 8 [Property]

Public ownership is the basis of the development of society, of its growth and of self-sufficiency in production. Private ownership, if it is non-exploitative, is protected. Expropriation will take place only in accordance with the law. Inheritance is a right which will be governed by the Islamic Shari'a.

Article 9 [Planning]

The state will institute a system of national planning covering economic, social, and cultural aspects. Cooperation between the private and public sectors will be necessary for the achievement of the goals of economic development.

Article 10 [No Titles]

The creation of honorary titles and civilian ranks is prohibited. All titles granted to the members of the former dynasty and to followers are abolished.

Article 11 [Asylum]

The extradition of political refugees is prohibited.

Article 12 [Home]

The home is inviolable and shall not be entered or searched except under the circumstances and conditions defined by the law.

Article 13 [Expression]

Freedom of Opinion is guaranteed within the limits of public interest and the principles of the Revolution.

Article 14 [Education]

Education is a right and a duty for all Libyans. It is compulsory until the end of the primary school. The State guarantees this right through the establishment of schools, institutes, and universities, and of pedagogical and cultural institutions in which education is free. The creation of private schools will also be regulated by law. The State is particularly anxious to enhance the physical, intellectual, and moral development of the youth.

Article 15 [Health]

Health care is a right guaranteed by the State through the creation of hospitals and health establishments in accordance with the law.

Article 16 [Defense]

Defense of the homeland is a sacred duty. Military service is an honor for the Libyan people.

Article 17 [Taxation]

No tax will be imposed, modified, or cancelled and no one will be exempted from paying taxes except in accordance with the law.

Chapter II System of Government

Article 18 [Revolutionary Command Council]

The Revolutionary Command Council constitutes the supreme authority in the Libyan Arab Republic. It will exercise the powers attached to national sovereignty, promulgate laws and decrees, decide in the name of the people the general policy of the State, and make all decisions it deems necessary for the protection of the Revolution and the regime.

Article 19 [President, Council of Ministers]

(1) The Revolutionary Command Council appoints the President and the Council of Ministers. It may appoint deputies for the Prime Minister and Ministers without portfolio. It may discharge the Premier and Ministers and accept their resignation. But the resignation of the Premier carries with it the resignation of all Ministers.

(2) The Council of Ministers insures the execution of the general policy of the State in accordance with the decisions of the Revolutionary Command Council.

(3) The Council of Ministers is collectively responsible before the Revolutionary Command Council. Each Minister is responsible for his department before the Prime Minister.

Article 20 [Promulgation]

The Council of Ministers shall study and prepare all projects of law within the framework of the general policy outlined by the Revolutionary Command Council. It will then

forward the proposed texts to the Revolutionary Command Council for consideration and promulgation.

Article 21 [Budget]

Matters relative to the general budget of the State are instituted by law and those concerning the final accounts are subject to ratification by the Revolutionary Command Council.

Article 22 [Joint Meetings]

The Revolutionary Command Council may, at the request of its President or two of its members, hold a joint meeting with the Council of Ministers.

Article 23 [War]

The Revolutionary Command Council shall declare war, conclude and ratify treaties and agreements, unless it authorizes the Council of Ministers to do so.

Article 24 [Martial Law]

The Revolutionary Command Council shall make decisions concerning martial law or the state of emergency whenever there is a threat to the internal or external security of the State and whenever the Revolutionary Command Council deems it necessary for the protection and defense of the Revolution.

Article 25 [Emergency]

The Revolutionary Command Council shall make decisions concerning martial law or the state of emergency whenever there is a threat to the internal or external security of the State and whenever the Revolutionary Command Council deems it necessary for the protection and defense of the Revolution.

Article 26 [Armed Forces]

The State alone is empowered to establish the Armed Forces who shall protect the people and insure the security of the country, its republican system, and national unity.

Article 27 [Judiciary]

The aim of judicial decisions shall be the protection of the principles of the community and the rights, dignity, and freedom of individuals.

Article 28 [Judges]

Judges shall be independent. In the exercise of their functions, they shall be free from any authority except that of the law and their conscience.

Article 29 [Verdicts]

Verdicts are pronounced and executed in the name of the people.

Article 30 [Recourse]

Everyone has the right to resort to the Courts in accordance with the law.

Article 31 [Criminal Justice]

- (a) Crime and penalty are only determined by law.
- (b) The penalty is personal.
- (c) The defendant shall be presumed innocent until proven guilty. All necessary guarantees for the exercise of his defense shall be provided. The accused or imprisoned shall not be subjected to mental or physical harm.

Chapter III Miscellaneous and Transitory Provisions

Article 33 [Old Constitution]

The Constitution of 7 Oct 1951, its amendments, and all related consequences are annulled.

Article 34 [Old Law]

All existing provisions of laws, decrees, and regulations which are not in conflict with the provisions set forth in this constitutional proclamation remain in effect. References to the King and Parliament in these laws shall be regarded as references to the Revolutionary Command Council and reference to the kingdom shall be regarded as reference to the Republic.

Article 35 [New Laws]

Decisions, statements, and orders issued by the Revolutionary Command Council since Sep 1969 and before the issue of this constitutional proclamation shall have the power of law and supersede all contrary provisions. They can be annulled or amended only in accordance with the procedure defined in the present constitutional proclamation.

Article 36 [Promulgation]

New laws shall be published in the Official Journal and they shall be in effect at the date of publication unless it is otherwise stated.

Article 37 [Permanent Constitution]

- (1) The present constitutional proclamation shall be in effect until a permanent constitution is issued. It will be amended by the Revolutionary Command Council only in case of necessity and in the interest of the Revolution.
- (2) This Proclamation is to be published in the Official Journal.