

THE BASIC LAW OF THE SULTANATE OF OMAN

Royal Decree No. 101/96

On the Issue of the Basic Law of the State

We, Qaboos bin Said, Sultan of Oman, In confirmation of the principles which have guided State policy in various fields during the past period, and in asserting our determination to continue efforts to create a better future characterised by further achievements which will bring benefits to the Country and its Citizens.

And in our determination to strengthen Oman's international position and its role in establishing the foundations of peace, security, justice and co-operation between different States and Peoples.

And in accordance with the exigencies of the public interest, have decreed the following:

Article (1) The issue of the Basic Law of the State in accordance with the attached form of words.

Article (2) This Decree shall be published in the Official Gazette and shall come into force with effect from its date of issue.

Issued on: 24 Jumada al Akhira 1417 AH

Corresponding to: 6 November 1996

(Signature)

QABOOS BIN SAID

SULTAN OF OMAN

Part One

Basic Law of the State

The State and the system of Government:

Article (1) The Sultanate of Oman is an independent, Arab, Islamic, fully sovereign state with Muscat as its capital.

Article (2) The religion of the State is Islam and the Islamic Shariah is the basis of legislation.

Article (3) Arabic is the official language of the State.

Article (4) The law shall determine the State's Flag, its Emblem, its decorations and medals and its National Anthem.

Article (5) The system of government is an hereditary Sultanate in which succession passes to a male descendant of Sayyid Turki bin Said bin Sultan. It is a condition that the male who is chosen to rule should be an adult Muslim of sound mind and a legitimate son of Omani Muslim parents.

Article (6) Within three days of the position of Sultan becoming vacant, the Ruling Family Council shall determine upon who will succeed to the Throne.

If the Ruling Family Council does not agree upon a successor, the Defence Council shall confirm the appointment of the person designated by the Sultan in his letter to the Family Council.

Article (7) Before exercising his powers the Sultan shall swear the following oath at a joint session of the Oman and Defence Councils:

"I swear by Almighty God to respect the Basic Law of the State and the Laws, to fully protect the interests and freedoms of the citizens, and to preserve the independence of the country and its territorial integrity."

Article (8) The Government shall continue to conduct its business as usual until the Sultan is chosen and begins to exercise his powers.

Article (9) Rule in the Sultanate shall be based on justice, Shura Consultation and equality. Citizens shall have the right to take part in public affairs - in accordance with this Basic Law and the conditions and circumstances defined in the Law.

Part Two

Principles Guiding State Policy

Article (10) Political principles:

? Preserving the State's independence and sovereignty, protecting its security and stability, and defending it against all forms of aggression.

? Reinforcing co-operation and reaffirming ties of friendship with all States and peoples on a

basis of mutual respect, common interest, non-interference in internal affairs, compliance with international and regional charters and treaties, and the generally recognised principles of international law, in a manner conducive to the promotion of peace and security between States and Peoples.

? Laying suitable foundations for the establishment of the pillars of genuine Shura Consultation, based on the national heritage, its values and its Islamic Shariah, and on pride in its history, while incorporating such contemporary manifestations as are appropriate.

? Establishing a sound administrative system that guarantees justice, tranquillity and equality for citizens, ensures respect for public order and safeguards the higher interests of the country.

Article (11) Economic principles:

? The basis of the national economy is justice and the principles of a free economy. Its chief pillar is constructive, fruitful co-operation between public and private activity. Its aim is to achieve economic and social development that will lead to increased production and a higher standard of living for citizens, in accordance with the State's general plan and within the limits of the Law.

? Freedom of economic activity is guaranteed within the limits of the Law and the public interest, in a manner that will ensure the well-being of the national economy.

? The State encourages saving and oversees the regulation of credit.

? All natural resources are the property of the State, which safeguards them and ensures that they are properly utilised while taking into account the requirements of State security and the interests of the national economy. No concession may be granted, nor may any of the country's public resources be exploited, except in accordance with the Law and for a limited period of time, and in such a manner as to preserve national interests.

? Public property is inviolable. The State shall protect it, and citizens and all other persons shall preserve it.

? Private property is protected. No-one shall be prevented from disposing of his property within the limits of the Law. Nor shall anyone's property be expropriated, except for the public benefit in those cases defined by the Law and in the manner stipulated by the Law, and on condition that the person whose property is expropriated receives just compensation for it.

? Inheritance is a right governed by the Shariah of Islam.

? Confiscation of property is prohibited and the penalty of specific confiscation shall only be imposed by judicial order in circumstances defined by the Law.

? The basis of taxes and public dues shall be justice and the development of the national

economy.

? The institution, adjustment and cancellation of public taxes shall be by virtue of the Law. No one may be exempted from payment of all or part of such taxes except in circumstances defined in the Law.

No tax, fee or other entitlement of any kind may be applied retrospectively.

Article (12) Social Principles:

? Justice, equality and equality of opportunity between Omanis are the pillars of society, guaranteed by the State.

? Co-operation, compassion, strong ties between citizens, and the reinforcement of national unity are a duty. The State shall prevent anything that could lead to division, discord, or the disruption of national unity.

? The family is the basis of society, and the Law regulates the means of protecting it, safeguarding its legal structure, reinforcing its ties and values, providing care for its members, and creating suitable conditions for the development of their aptitudes and capabilities.

? The State guarantees assistance for the citizen and his family in cases of emergency, sickness, incapacity and old age in accordance with the social security system. It also encourages society to share the burdens of dealing with the effects of public disasters and calamities.

? The State cares for public health and for the prevention and treatment of diseases and epidemics. It endeavours to provide health care for every citizen and to encourage the establishment of private hospitals, clinics and other medical institutions under State supervision and in accordance with the rules laid down by Law. It also works to conserve and protect the environment and prevent pollution.

? The State enacts laws to protect the employee and the employer, and regulates relations between them. Every citizen has the right to engage in the work of his choice within the limits of the Law. It is not permitted to impose any compulsory work on anyone except in accordance with the Law and for the performance of public service, and for a fair wage.

? Public employment is a national service entrusted to those who carry it out. The State employees while performing their work shall seek to serve the public interest and society. Citizens are considered equal in taking up public employment according to the provisions of the Law.

Article (13) Cultural Principles:

? Education is a fundamental element for the progress of society which the State fosters and

endeavours to make available to all.

? Education aims to raise and develop general cultural standards, promote scientific thought, kindle the spirit of enquiry, meet the needs of the economic and social plans, and create a generation strong in body and moral fibre, proud of its nation, country and heritage, and committed to safeguarding their achievements.

? The State provides public education, combats illiteracy and encourages the establishment of private schools and institutes under State supervision and in accordance with the provisions of the Law.

? The State fosters and conserves the national heritage, and encourages and promotes the sciences, literature, and scientific research.

Article (14) Security Principles

? The State's goal is peace, and safeguarding the country's security is a duty entrusted to every citizen.

? The Defence Council studies matters concerning the maintenance of the Sultanate's security and its defence.

? It is the State alone that establishes the Armed Forces, public security organisations and any other forces. They are all the property of the nation and their task is to protect the State, safeguard the safety of its territories and ensure security and tranquillity for its citizens. No institution or group may set up military or paramilitary organisations. The Law regulates military services, general or partial mobilisation and the rights, duties and disciplinary rules of the Armed Forces, the public security organisations and any other forces the State decides to establish.

Part Three

Public Rights and Duties

Article (15) Nationality is regulated by the Law. It may not be forfeited or withdrawn except within the limits of the Law.

Article (16) It is not permitted to deport or exile citizens, or prevent them from returning to the Sultanate.

Article (17) All citizens are equal before the Law, and they are equal in public rights and duties. There shall be no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile or social status.

Article (18) Personal freedom is guaranteed in accordance with the Law. No person may be arrested, searched, detained or imprisoned, or have his residence or movement curtailed, except in accordance with the provisions of the Law.

Article (19) Detention or imprisonment is not permitted, except in the places designated for that purpose in the prison laws, which provide for health care and social welfare.

Article (20) No person shall be subjected to physical or psychological torture, enticement or humiliating treatment, and the Law lays down the punishment for anyone who is guilty of such actions. No statement shall be valid if it is established that it has been obtained as a result of torture, enticement or humiliating treatment, or threats of such measures.

Article (21) There shall be no crime and no punishment except in accordance with the criteria of a Law, and there shall be no punishment except for actions cognisable in Law. Punishment is personal not transferable.

Article (22) An accused person is innocent until proven guilty in a legal trial which ensures him the essential guarantee to exercise his right of defence according to the Law. It is prohibited to harm the accused either bodily or mentally.

Article (23) The accused has the right to appoint a person who has the ability to defend him during the trial. The Law defines the circumstances which require the presence of a lawyer on behalf of the accused and guarantees those without the financial capacity, the means to resort to justice and the defence of their rights.

Article (24) Anyone who is arrested shall be notified of the causes of his arrest immediately and he shall have the right to contact whoever he sees fit, to inform them of what has taken place or seek their assistance, in the manner regulated by the Law. He must be informed promptly of the charges against him, and he and his representative shall have the right to appeal before the judicial authorities against the measure which has restricted his personal freedom. The Law regulates his right of appeal in a manner which ensures that a judgement will be issued on it within a specified period, failing which he must be released.

Article (25) The right to litigation is sacrosanct and guaranteed to all people. The Law defines the procedures and circumstances required for exercising this right and the State guarantees, as far as possible, that the judicial authorities will reconcile the litigants and settle cases promptly.

Article (26) It is not permitted to perform any medical or scientific experiment on any person without his freely given consent.

Article (27) Dwellings are inviolable and it is not permitted to enter them without the permission of the owner or legal occupant, except in the circumstances specified by the Law and in the manner stipulated therein.

Article (28) The freedom to practise religious rites in accordance with recognised customs is guaranteed provided that it does not disrupt public order or conflict with accepted standards of behaviour.

Article (29) Freedom of opinion and expression, whether spoken, written or in other forms, is guaranteed within the limits of the Law.

Article (30) Freedom of postal, telegraphic, telephonic and other forms of communication is sacrosanct and their confidentiality is guaranteed. Hence, it is not permitted to monitor or inspect them, reveal their contents, or delay or confiscate them except in circumstances defined by the Law and in accordance with the procedures laid down therein.

Article (31) Freedom of the press, printing and publication is guaranteed in accordance with the conditions and circumstances defined by the Law. It is prohibited to print or publish material that leads to public discord, violates the security of the State or abuses a person's dignity and his rights.

Article (32) Citizens have the right of assembly within the limits of the Law.

Article (33) The freedom to form associations on a national basis for legitimate objectives and in a proper manner, in a way that does not conflict with the stipulations and aims of this Basic Law, is guaranteed under the conditions and in the circumstances defined by the Law. It is forbidden to establish associations whose activities are inimical to social order, or are secret, or of a military nature. It is not permitted to force anyone to join any association.

Article (34) Citizens have the right to address the public authorities on personal matters or on matters related to public affairs, in the manner and on the conditions laid down by the Law.

Article (35) Every foreigner who is legally resident in the Sultanate shall have the right to protection of his person and his property in accordance with the Law. Foreigners shall have regard for society's values and respect its traditions and customs.

Article (36) Extradition of political refugees is prohibited. Extradition of criminals is subject to the provisions of international laws and agreements.

Article (37) Defence of the homeland is a sacred duty, and rendering service in the Armed Forces is an honour for citizens regulated by the Law.

Article (38) Preserving national unity and safeguarding State secrets is a duty incumbent upon every citizen.

Article (39) Payment of taxes and public dues is a duty in accordance with the Law.

Article (40) Respect for the Basic Law of the State and the laws and ordinances issued by the public authorities, as well as observance of public order and public morals, is a duty incumbent

upon all residents of the Sultanate.

Part Four

The Head of State

Article (41) The Sultan is the Head of State and the Supreme Commander of the Armed Forces. His person is inviolable and must be respected and his orders must be obeyed. The Sultan is the symbol of national unity as well as its guardian and defender.

Article (42) The Sultan discharges the following functions:

? preserving the country's independence and territorial integrity and assuring its internal and external security, maintaining the rights and freedoms of its citizens, guaranteeing the rule of law, and guiding the general policy of the State.

? taking prompt measures to counter any threat to the safety of the State or its territorial integrity, the security and interests of its people, or the smooth running of its institutions.

? representing the State both internally and externally in all international relations.

? presiding over the Council of Ministers or appointing a person to serve in that position.

? presiding over the Specialised Councils or appointing chairmen for them.

? appointing and dismissing Deputy Prime Ministers, Ministers and those of their rank.

? appointing and dismissing Under-Secretaries, General Secretaries and those of their rank.

? appointing and dismissing senior judges.

? declaring a state of emergency, general mobilisation, or war, and making peace in accordance with the provisions of the Law.

? issuing and ratifying laws.

? signing international treaties and agreements in accordance with the provisions of the Law (or authorising a signatory to sign them) and issuing decrees ratifying them.

? appointing and dismissing political representatives to other States and international organisations according to the limits and circumstances laid down by the Law. Accepting accreditation of representatives of States and international organisations.

? waiving or commuting punishments

? conferring honours, decorations and military ranks.

Article (43) The Sultan shall be assisted in drafting and implementing the general policy of the State by a Council of Ministers and Specialised Councils.

The Council of Ministers

Article (44) The Council of Ministers is the body entrusted with implementing general State policies. In particular it shall :

? submit recommendations to the Sultan on economic, political and social, as well as executive and administrative matters of concern to the Government, and propose draft laws and decrees.

? foster the welfare of citizens and ensure the provision of health and other essential services in order to improve the quality of their life socially and culturally as well as economically.

? formulate aims and general policies for economic, social, and administrative development and propose methods of implementing these policies which will make the best use of financial, economic and human resources.

? discuss developmental plans prepared by the relevant departments, submit them to the Sultan for approval, and follow up their implementation.

? discuss proposals by Ministries in their fields of executive jurisdiction and make appropriate recommendations and decisions in this regard.

? oversee the smooth running of the State's administrative apparatus, follow up its performance of its duties , and co-ordinate the activities of its different departments.

? monitor the implementation of all laws, decrees, ordinances and decisions, as well as treaties and agreements and court judgements, in a manner that will ensure that they are complied with.

? discharge any other competencies vested in it by the Sultan or conferred upon it by the provisions of the Law.

Article (45) The Head of the Council of Ministers shall preside over the Council's sessions and has the right to entrust the chairmanship of sessions, which he does not attend, to one of the Deputy Prime Ministers. If the Prime Minister and his Deputies are absent, the Sultan will authorise whoever he sees fit to chair the sessions.

Article (46) Meetings of the Council shall be quorate with the attendance of a majority of its members. Its deliberations are secret and its decisions are issued with the approval of a majority of those present.

Article (47) The Council of Ministers shall draw up Standing Orders including its Rules of Procedure. The Council shall have a General Secretariat which will be provided with a sufficient number of staff to assist it in carrying out its work.

The Prime Minister, His Deputies and Ministers

Article (48) If the Sultan appoints a Prime Minister, his competencies and powers shall be specified in the Decree appointing him.

Article (49) It is a prerequisite that whoever is appointed as Prime Minister, his Deputy, or a Minister :

- a. Shall be originally of Omani nationality in accordance with the Law
- b. Shall be aged not less than 30 years of the Gregorian calendar.

Article (50) Before assuming their powers the Prime Minister, his Deputies, and Ministers shall swear the following oath in the presence of the Sultan:

" I swear by Almighty God that I shall be faithful to my Sultan and my Country, that I shall respect the Basic Law of the State and its implementing regulations; that I shall uphold at all times the integrity of the State and the security of its territories, and shall work to promote fully its interests and the interests of its citizens, and that I shall discharge my duties truly and honestly."

Article (51) Deputy Prime Ministers and Ministers shall supervise the affairs of their Ministries and Organisations, and implement the general policy of the Government therein, as well as drawing up future guidelines for their Ministries and Organisations and following up their implementation.

Article (52) Members of the Council of Ministers are politically collectively responsible before the Sultan for carrying out the general policies of the State, and each is individually responsible before the Sultan for the discharge of his duties and the exercise of his powers.

Article (53) Members of the Council of Ministers shall not combine their Ministerial position with the chairmanship or membership of the Board of any joint stock company. Nor may the Government departments of which they are in charge have dealings with any company or organisation in which they have an interest, whether direct or indirect. They should be guided in all their actions by considerations of national interest and public welfare and should not exploit their official positions in any way for their own benefit or for the benefit of those with whom they have special relations.

Article (54) The emoluments of Deputy Prime Ministers and Ministers, during their term of office and after their retirement, shall be determined in accordance with the directives of the Sultan.

Article (55) The provisions of Articles 49, 50, 51, 52, 53 and 54 shall apply to all those with the rank of Minister.

Specialised Councils

Article (56) The Specialised Councils shall be established, their powers defined and their members appointed in accordance with Royal Decrees.

Financial Affairs

Article (57) The Law specifies the provisions concerning the following matters and the bodies responsible for them:

- ? collection of taxes, revenues and other public monies, and measures for their disbursement.
- ? maintenance and administration of State property, the conditions of its disposal, and the limits within which a part of this property may be assigned.
- ? the general State budget and the final account
- ? the autonomous and supplementary budgets and their final accounts
- ? control of State finances
- ? loans extended by or obtained by the State
- ? currency and banking , standards, weights and measures
- ? salaries, pensions, indemnities, subsidies and gratuities charged to the State Treasury

Part Five

The Oman Council

Article (58) The Oman Council shall consist of:

- ? The Shura Council
- ? The Council of State

The Law shall specify the powers of each of these Councils, the length of their terms, the frequency of their sessions, and their rules of procedure. It shall also specify the number of members of each Council, the conditions which they must fulfil, the method of their selection

and appointment, the reasons for their dismissal, and other regulatory provisions.

Part Six

The Judiciary

Article (59) The sovereignty of the Law is the basis of governance in the State. Rights and freedoms are guaranteed by the dignity of the judiciary and the probity and impartiality of the judges.

Article (60) Judicial power is independent and vested in the Courts of Law, of whatever type or status, which issue judgements in accordance with the Law.

Article (61) There is no power over the judges in their rulings except the Law. Judges can only be dismissed in cases specified by the Law. No party may interfere in a law suit or in matters of justice; such interference shall be a crime punishable by law. The Law shall specify the conditions to be fulfilled for those administering justice, the conditions and procedures for the appointment of judges, their transfer and promotion, the security offered to them, the cases in which they are not liable for dismissal, and other relevant provisions.

Article (62) The Law shall regulate the Law Courts of whatever type or status and shall specify their functions and competencies. The jurisdiction of Military Courts shall be restricted to military crimes committed by members of the Armed Forces and the security forces and shall only extend to others in the case of martial law and then within the limits laid down by the Law.

Article (63) Court hearings are public except when the Law Court decides to hold the case *in camera* in the interests of public order or public morals. In all cases pronouncement of finding and sentence shall be in open session.

Article (64) The public prosecution shall conduct legal proceedings on behalf of the community, shall oversee matters of judicial prosecution and shall be vigilant in the application of the penal code, the pursuit of the guilty and the execution of court judgements. The Law shall regulate the public prosecution and its competencies and shall specify the conditions and security applicable to those who discharge its functions. In exceptional cases, Public Security departments may be legally empowered to conduct proceedings in cases involving misdemeanours, in accordance with the conditions laid down by the Law.

Article (65) The legal profession shall be regulated by the Law.

Article (66) The judiciary shall have a Higher Council, which shall oversee the smooth running of the Law Courts and auxiliary bodies. The Law shall specify the powers of this Council with regard to the functions of the judges and the public prosecutor.

Article (67) The Law shall adjudicate in administrative disputes through a Special Administrative Causes Court or Department, whose organisation and mode of procedure shall be specified in Law.

Article (68) The Law shall adjudicate in disputes over jurisdiction between judicial departments and in cases of conflict of judgements.

Article (69) The Law shall define the competencies of the department which expresses legal opinions to Ministries and other Government departments and formulates and revises draft laws, regulations and decisions. The Law shall also specify the mode of representation of the State and other public bodies and organisations before the Departments of Justice.

Article (70) The Law shall stipulate the judicial department concerned with settling disputes arising from the incompatibility of laws and regulations with the Basic Law of the State and ensuring that the latter's provisions are not contravened, and shall define that department's powers and procedures.

Article (71) Judgements shall be issued and executed in the name of His Majesty the Sultan. Failure or delay in executing these judgements on the part of the concerned public officials shall be a crime punishable by law. In such a case the judgement beneficiary has the right to bring a criminal action directly to the court concerned.

Part Seven

General Provisions

Article (72) The application of this Basic Law shall not infringe the treaties and agreements concluded between the Sultanate of Oman and other States and international bodies and organisations.

Article (73) None of the provisions of this Basic Law shall be suspended except in the case of martial law and within the limits laid down by the Law.

Article (74) Laws shall be published in the Official Gazette within two weeks of the day of their issuance. Laws will come into force from their date of publication unless they stipulate another date.

Article (75) Provisions of laws shall only apply from the date of their coming into force; whatever happens before that date is of no consequence, unless the text specifies otherwise. Excluded from this exception are penal laws and laws concerning taxes and financial dues.

Article (76) Treaties and agreements shall not have the force of law until they have been ratified.

In no case may a treaty or an agreement contain secret conditions which contradict its declared conditions.

Article (77) Everything stipulated by laws, regulations, decrees, directives and decisions in force on the date of this Basic Law becoming effective shall remain in force, provided that they do not conflict with any of its provisions.

Article (78) Laws which are not yet in existence but are necessitated by this Basic Law shall be promulgated by the competent departments within two years of its coming into force.

Article (79) Laws and procedures which have the force of law must conform to the provisions of the Basic Law of the State.

Article (80) No body in the State may issue rules, regulations, decisions or instructions which contravene the provisions of laws and decrees in force, or international treaties and agreements which constitute part of the law of the country.

Article (81) This Basic Law can only be amended in the same manner in which it was promulgated.



全球法律法规

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