

Basic Law of Governance

Royal Order No. (A/91)

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Part One

General Principles

Article 1:

The Kingdom of Saudi Arabia is a fully sovereign Arab Islamic State. Its religion shall be Islam and its constitution shall be the Book of God and the *Sunnah* (Traditions) of His Messenger, may God's blessings and peace be upon him (PBUH). Its language shall be Arabic and its capital shall be the city of Riyadh.

Article 2:

The two holidays of the State shall be 'Id al-Fitr and 'Id al-Adha, and its calendar shall be the Hijri Calendar.

Article 3:

The flag of the State shall be as follows:

- (a) Its color shall be green.
 - (b) Its width shall be two-thirds its length.
 - (c) Centered therein shall be the expression " There is no god but God and Muhammad is the Messenger of God", with an unsheathed sword under it. The flag may never be flown at half-mast.
- The Law shall set forth the provisions appertaining thereto.

Article 4:

The emblem of the State shall be two crossed swords with a date palm tree in the middle of the upper space between them. The law shall set forth the anthem and medals of the State.

Part Two

System of Governance

Article 5:

- (a) The system of governance in the Kingdom of Saudi Arabia shall be monarchical.
- (b) Governance shall be limited to the sons of the Founder King 'Abd al-'Aziz ibn 'Abd ar-Rahman al-Faysal Al Sa'ud, and the sons of his sons. Allegiance shall be pledged to the most suitable amongst them to reign on the basis of the Book of God Most High and the *Sunnah* of His Messenger (PBUH).
- (c) The King shall select and relieve the Crown Prince, by Royal Order.

- (d) The Crown Prince shall devote himself exclusively to the office of the Crown Prince and shall perform any other duties assigned to him by the King.
- (e) The Crown Prince shall assume the powers of the King upon his death until the pledge of allegiance is given.

Article 6:

Citizens shall pledge allegiance to the King on the basis of the Book of God and the *Sunnah* of his Messenger, and on the basis of submission and obedience in times of hardship and ease, fortune and adversity.

Article 7:

Governance in the Kingdom of Saudi Arabia derives its authority from the Book of God Most High and the *Sunnah* of his Messenger, both of which govern this Law and all the laws of the State.

Article 8:

Governance in the Kingdom of Saudi Arabia shall be based on justice, *shura* (consultation), and equality in accordance with the Islamic *Shari'ah*.

Part Three
Foundations of Saudi Society

Article 9:

The nucleus of Saudi society is the family and its members should be brought up on the basis of the Islamic creed and its requirement of allegiance and obedience to God, to His Messenger and to those in authority; respect for and implementation of laws, and love of and pride in the homeland and its glorious history.

Article 10:

The State shall endeavor to strengthen family bonds, maintain its Arab and Islamic values, care for all its members, and provide conditions conducive to the development of their talents and abilities.

Article 11:

Saudi society shall be based on its members' holding fast to the bond of God, cooperating unto righteousness and piety, and maintaining solidarity, and avoiding dissention.

Article 12:

Promoting national unity is a duty, and the State shall prevent whatever leads to disunity, sedition and division.

Article 13:

Education shall aim to instill the Islamic creed in the young, impart knowledge and skills to them, and prepare them to be useful members in the building of their society, loving their homeland, and taking pride in its history.

**Part Four
Economic Principles**

Article 14:

All God's bestowed wealth, be it underground, on the surface, or in national territorial waters, on the land or maritime domains under the State's control, all such resources shall be the property of the State as defined by the Law. The Law shall set forth the means for exploiting, protecting, and developing such resources for the benefit, security, and economy of the State.

Article 15:

No concession is to be granted and no public resources of the country are to be exploited except pursuant to a law.

Article 16:

Public property has sanctity. The State shall protect it, and citizens and residents shall safeguard it.

Article 17:

Property, capital, and labor are basic constituents of the economic and social structure of the Kingdom. They are private rights which fulfill a social function in accordance with Islamic *Shari'ah*.

Article 18:

The State shall guarantee private property and its inviolability. No one shall be deprived of his property except for the public interest, provided that the owner be fairly compensated.

Article 19:

The public expropriation of property shall be prohibited, and the penalty of private expropriation may be imposed only by a court order.

Article 20:

Taxes and fees may be imposed only if needed and on a just basis. They may be imposed, revised, abolished, or exempted only in accordance with the Law.

Article 21:

Zakah (alms) shall be collected and spent as prescribed by the *Shari'ah*.

Article 22:

Economic and social development shall be accomplished according to a sound and just plan.

**Part Five
Rights and Duties**

Article 23

The State shall protect the Islamic creed, apply its *Shari'ah*, enjoin the good and prohibit evil, and carry out the duty of calling to God.

Article 24

The State shall maintain and serve the Two Holy Mosques, and provide security and care to those who travel to them as to enable them to perform *Haj* (Major Pilgrimage), *'Umrah* (Minor Pilgrimage), and *Ziyarah* (Visit of the Prophet's Mosque) in ease and tranquility.

Article 25

The State shall strive to realize the aspirations of the Arab and Muslim nation for solidarity, unity, as well as to promote its relations with friendly states.

Article 26

The State shall protect human rights in accordance with the Islamic *Shari'ah*.

Article 27

The State shall guarantee the right of the citizen and his family in emergencies, sickness, disability, and old age, and shall support the social

security system and encourage institutions and individuals to participate in charitable work.

Article 28

The State shall facilitate the provision of job opportunities to every able person, and shall enact laws that protect the workman and the employer.

Article 29:

The State shall foster sciences, arts, and culture, and shall encourage scientific research, protect Islamic and Arabic heritage, and contribute to Arab, Islamic, and human civilization.

Article 30:

The State shall provide public education, and shall be committed to combating illiteracy.

Article 31:

The State shall be responsible for the care of public health, and shall provide health care to every citizen.

Article 32:

The State shall endeavor to preserve, protect, and improve the environment and prevent its pollution.

Article 33:

The State shall create and equip armed forces for the defense of the creed, the Two Holy Mosques, the society, and the homeland.

Article 34:

Defense of the Islamic creed, society, and homeland is the duty of every citizen. The Law shall set forth provisions for military service.

Article 35:

The Law shall set forth provisions for Saudi Arabian citizenship.

Article 36:

The State shall provide security to all its citizens and residents. A person's actions may not be restricted, nor may he be detained or imprisoned, except under the provisions of the Law.

Article 37:

Residences shall be inviolable, and they may not be entered or searched without their owner's permission except in cases set forth in the Law.

Article 38:

Punishment shall be carried out on a personal basis. There shall be no crime or punishment except on the basis of a *Shari'ah* or a statutory provision, and there shall be no punishment except for deeds subsequent to the effectiveness of a statutory provision.

Article 39:

Mass and publishing media and all means of expression shall use decent language and adhere to State laws. They shall contribute towards educating the nation and supporting its unity. Whatever leads to sedition and division, or undermines the security of the State or its public relations, or is injurious to the honor and rights of man, shall be prohibited. Laws shall set forth provisions to achieve this.

Article 40:

Correspondence by telegraph and mail, telephone conversations, and other means of communication shall be protected. They may not be seized, delayed, viewed, or listened to except in cases set forth in the Law.

Article 41:

Residents in the Kingdom of Saudi Arabia shall observe its laws. They shall respect the values, traditions and sensibilities of Saudi society.

Article 42:

The State shall grant political asylum if public interest so dictates. Laws and international agreements shall specify the rules and procedure for the extradition of ordinary criminals.

Articles 43:

The court of the King and of the Crown Prince shall be accessible to every citizen and to every one who has a complaint or a grievance. Every individual shall have the right to address public authorities in matters of concern to him.

**Part Six
Authorities of the State**

Article 44:

Authorities in the State shall consist of:

- Judicial Authority.
- Executive Authority.
- Regulatory Authority.

These authorities shall cooperate in the discharge of their functions in accordance with this Law and other laws. The King shall be their final authority.

Article 45:

The source for *fatwa* (religious legal opinion) in the Kingdom of Saudi Arabia shall be the Book of God and the *Sunnah* of his Messenger (PBUH). The Law shall set forth the hierarchy and jurisdiction of the Board of Senior Ulema and the Department of Religious Research and *Fatwa*.

Article 46:

The Judiciary shall be an independent authority. There shall be no power over judges in their judicial function other than the power of the Islamic *Shari'ah*.

Article 47:

The right of litigation shall be guaranteed equally for both citizens and residents in the Kingdom. The Law shall set forth the procedures required thereof.

Article 48:

The courts shall apply to cases before them the provisions of Islamic *Shari'ah*, as indicated by the Qur'an and the *Sunnah*, and whatever laws not in conflict with the Qur'an and the *Sunnah* which the authorities may promulgate.

Article 49:

Subject to the provisions of Article 53 herein, the courts shall have jurisdiction to adjudicate all disputes and crimes.

Article 50:

The King or whomever he deputizes shall be responsible for the enforcement of judicial rulings.

Article 51:

The Law shall set forth the composition and jurisdiction of the Supreme Judicial Council, as well as the hierarchy and jurisdiction of the courts.

Article 52:

Appointment and termination of judges shall be by Royal Order, at the recommendation of the Supreme Judicial Council, as set forth by the Law.

Article 53:

The Law shall set forth the structure and jurisdiction of the Board of Grievances.

Article 54:

The Law shall set forth the final authority, organization, and jurisdiction of the Bureau of Investigation and Prosecution.

Article 55:

The King shall run the affairs of the nation in accordance with the dictates of Islam. He shall supervise the implementation of Islamic *Shari'ah* and the general policies of the State, and the protection and defense of the country.

Article 56:

The King presides over the Council of Ministers. He shall be assisted in the discharge of his functions by the members of the Council of Ministers in accordance with the provisions of this and other laws. The Law of the Council of Ministers shall set forth the power of the Council with respect to internal and foreign affairs, and to the organization of the agencies of the Government and coordination among them. It shall also set forth the requirements ministers must meet, their powers, accountability, and all their affairs. The Law of the Council of Ministers and the powers of the Council shall be amended in accordance with this Law.

Article 57:

- (a) The King shall appoint vice presidents of the Council of Ministers and member ministers of the Council of Ministers and shall relieve them by Royal Order.
- (b) The vice presidents of the Council of Ministers and the member ministers of the Council of Ministers shall be considered collectively responsible before the King for the implementation of the Islamic *Shari'ah* and the laws and the general policies of the State.
- (c) The King may dissolve the Council of Ministers and reconstitute it.

Article 58:

The King shall appoint those who hold the rank of minister and deputy minister and those in Distinguished Grade, and shall relieve them of their office by Royal Order in accordance with what is set forth in the Law.

Ministers and heads of independent agencies shall be considered responsible before the King for the ministries and agencies they head.

Article 59:

The Law shall set forth the provisions for civil service, including salaries, stipends, compensation, fringe benefits, and pensions.

Article 60:

The King shall be the Supreme Commander-in-Chief of all armed forces, and shall appoint and terminate the services of officers in accordance with the Law.

Article 61:

The King may declare the state of emergency, general mobilization, and war. The Law shall set forth the provisions thereof.

Article 62:

If a threat arises which endangers the safety or the territorial integrity of the Kingdom or the security and interests of its people, or hinders the institutions of the State from performing their functions, the King may take urgent measures as would guarantee dealing with that danger. If the King deems that such measures be permanent, he may take whatever actions required pursuant to the Law.

Article 63:

The King shall receive the kings and heads of State and shall appoint his representatives to such states and accept the credentials of their representatives to him.

Article 64:

The King shall grant medals in the manner prescribed by the Law.

Article 65:

The King may delegate certain powers to the Crown Prince by Royal Order.

Article 66:

If the King travels outside the Kingdom, he shall issue a Royal Order deputizing the Crown Prince to run the affairs of State and protect the People's interests in the manner set forth in the Royal Order.

Article 67:

The regulatory authority shall have the jurisdiction of formulating laws and rules conducive to the realization of the well-being or warding off harm to State affairs in accordance with the principles of the Islamic *Shari'ah*. It shall exercise its jurisdiction in accordance with this Law, and Laws of the Council of Ministers and the *Shura* Council.

Article 68:

The *Shura* Council shall be established. Its Law shall set forth its formation, the exercising of its powers and the selection of its members

The King may dissolve and reconstitute the *Shura* Council.

Article 69:

The King may summon the *Shura* Council and the Council of Ministers to a joint session. He may invite whomever he chooses to attend said sessions in order to discuss whatever matters the King chooses.

Article 70:

Laws, international treaties and agreements, and concessions shall be issued and amended by Royal Decrees.

Article 71:

Laws shall be published in the Official Gazette, and shall be effective on the date of publication unless another date is specified therein.

**Part Seven
Financial Affairs**

Article 72:

- (a) The Law shall set forth the provisions governing State revenues and their delivery to the public treasury of the State.
- (b) Revenues shall be recorded and disbursed in accordance with the rules prescribed by law.

Article 73:

No commitment may be made to pay funds out of the public treasury except in accordance with the provisions of the budget. If budgetary allocations do not cover such commitments, the commitment must be made by a Royal Decree.

Article 74:

State property may not be sold, leased, or disposed off except in accordance with the Law.

Article 75:

The Law shall set forth provisions governing monetary and banking matters, as well as weights, scales, and measures.

Article 76:

The Law shall specify the fiscal year of the State. The budget shall be announced by a Royal Decree, and shall include estimates of revenue and expenditures for the year, not less than one month before the fiscal year begins. If compelling reasons prevent its announcement and the new fiscal year begins, the budget of the previous year shall remain in force pending the announcement of the new budget.

Article 77:

The agency concerned shall prepare the closing accounts of the State for the fiscal year that ended and submit the same to the President of the Council of Ministers.

Article 78:

Budgets of agencies having a public juristic personality and their closing accounts shall be subject to the same provisions governing the budget and closing accounts of the State.

**Part Eight
Auditing Agencies**

Article 79:

All State revenues and disbursements as well as all movable and immovable property of the State shall be subject to subsequent audit. The proper use of these properties and protection of the same shall be ascertained and an annual report shall be submitted thereon to the President of the Council of Ministers. The Law shall specify the audit agency having jurisdiction in this matter as well as its chain of command and jurisdictions.

Article 80:

Government agencies shall be monitored, and their proper administrative performance and enforcement of the laws shall be verified. Financial and administrative violations shall be investigated and an annual report thereon shall be submitted to the President of the Council of Ministers.

The Law shall specify the agency having jurisdiction in this matter and its chain of command and jurisdictions.

Part Nine

General Provisions

Article 81:

The enforcement of this Law shall not prejudice whatever treaties and agreements with states and international organizations and agencies to which the Kingdom of Saudi Arabia is committed.

Article 82:

Without prejudice to the provisions of Article 7 herein, no provision of this Law may be suspended except on a temporary basis, in the manner set forth under the Law, at the time of war or during a declared state of emergency.

Article 83:

Amendment of this Law can only be made in the same manner of its promulgation.