



Proclamation de l'Etat d'Israël par David Ben Gourion le 14 mai 1948.

Lois Fondamentales de l'Etat d'Israël

L'Etat d'Israël ne possède pas de constitution mais un ensemble de lois fondamentales qui assurent notamment les droits des citoyens.

Résumé des Lois fondamentales (en anglais)

The Knesset

Passed on February 12, 1958, by the third Knesset.

The law does not define the powers of the Knesset, but states that it is the house of representatives of the state, that its seat is in Jerusalem and that upon election it should include 120 members. The law then deals with the electoral system, the right to vote and be elected, the Knesset's term of office, the principles relating to the Knesset elections, the service of Knesset members, the parliamentary immunity of the Knesset members and the Knesset buildings and well as the work of the Knesset and its committees. Article 4 of the law, which states that the system of electing the Knesset members can only be amended by a majority of 61 Knesset members, and article 44, which prevents the amendment of the law by means of the Emergency Regulation, can only be amended by a majority of 80 Knesset members. Amendment No 9 of the law, which was passed on July 31, 1985, states that a list may not participate in the elections if there is in its goals or actions a denial of the existence of the State of Israel as the state of the Jewish people, a denial of the democratic nature of the state, or incitement to racism. Amendment No 12, which was passed on February 12, 1991, limits the freedom of Knesset members to move from Parliamentary Group to Parliamentary Group in general and in return for material benefits in particular.

Israel Lands

Passed on July 25, 1960, by the fourth Knesset.

The basis of the law is the special relationship between the People of Israel and the Land of Israel and its redemption. The law ensures that the state lands, which constitute about 90% of the lands in the state, should remain national property. The law prohibits the transfer of ownership over lands owned by the state, the Development Authority or the Jewish National Fund, either by sale or by any other means, with the exception of types of land or transactions that have been specified in the law.

The President of the State

Passed on June 16, 1964, by the fifth Knesset.

The law was basically a re-enactment of previous instructions which were scattered in other laws. It deals with the status of the President of the State, his election (by the Knesset), his qualifications and powers, and the procedures of his work.

The State Economy

Passed on July 21, 1975, by the eighth Knesset.

The law lays down the framework for the budget laws and the basic rule, according to which no taxes, compulsory loans, other compulsory payments and fees may be imposed, or their rates changed, except

by law or in accordance with it. Regulations imposing compulsory payments are subject to the approval of the Knesset or one of its committees. In addition, the law deals with the authority to reach agreements involving state assets, the acquisition of rights and the undertaking of obligations in the name of the state, the state budget and its formulation, the printing of bank-notes and the minting of coins. The law also states that: "the state economy is subject to the control of the State Comptroller.

The Military

Passed on March 31, 1976, by the eighth Knesset.

Until the *Basic Law* was passed, the constitutional and legal basis for the operation of the Israel Defense Forces was to be found in the IDF Ordinance of 1948. The *Basic Law* follows the said ordinance, adding instructions regarding the subordination of the military forces to the government, the status of the Chief of Staff, and other instructions on issues dealt with by the Agranat Commission which investigated the circumstances for the outbreak of the Yom Kippur War. The law states that the IDF is the army of the state, and inter alia deals with the compulsory military service and enlistment, as well as the instructions of the army and its orders. It states that "outside the Israel Defense Forces no armed force is to be set up or maintained, except in accordance with the law."

Jerusalem, the Capital of Israel

Passed on December 13, 1980, by the ninth Knesset.

The intention of the law is to establish the status of Jerusalem as the capital of Israel, to secure its integrity and unity and concentrate all the instructions, which were scattered in various laws, regarding the location of national institutions. The law deals with the holy places, secures the rights of the members of all religions, and declares that Jerusalem will be granted special preferences with regards to its development.

The Judiciary

Passed on February 28, 1984, by the tenth Knesset.

The law deals with the judicial authority, the institutions of the judiciary, the principle of independence on matters of judgement, the openness of judicial proceedings, the appointment of judges, their qualifications and tenure of office, the powers of the Supreme Court, the right of appeal, further hearing, retrial and the principle of settled law. The law does not deal with the authority of the courts to examine the legality of laws. This will be dealt with in the *Basic Law: Legislation*, when it is enacted. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations.

The State Comptroller

Passed on February 15, 1988, by the twelfth Knesset.

Most of the law is a re-enactment of previous instructions, which were scattered in other laws. The law deals with the powers, tasks and duties of the State Comptroller in his/her supervision of government bodies and as ombudsman, the manner in which s/he is elected (by the Knesset) and the budget of the comptroller's office. The law states that the State Comptroller is responsible solely to the Knesset.

Human Dignity and Liberty

Passed on March 17, 1992, by the twelfth Knesset.

In view of the fact that the Knesset was unsuccessful in its endeavors to enact the *Basic Law: Human Rights* in its entirety, due to the opposition of the religious parties to some of its provisions, it was decided to enact those sections of the law on which there are no basic differences of opinion. Until the dissolution of the 13th Knesset two *Basic Laws* were passed, which will eventually constitute part of the complete law: the *Basic Law: Human Dignity and Liberty* and the *Basic Law: Freedom of Occupation*. The *Basic Law: Human Dignity and Liberty* declares that the basic human rights in Israel are based on recognition of the value of man, the sanctity of his life and the fact that he is free. The goal of the law is "to defend Human Dignity and Liberty, in order to establish in a *Basic Law* the values of the State of Israel as a Jewish and democratic state." The law defines human freedom in Israel as being the right to leave the country and enter it, to privacy and intimacy, refrainment from searches relating to one's private property,

body and possessions, and avoidance of violations of the privacy of one's speech, writings and notes. Violations of the dignity or freedom of man is permitted only in accordance with the law. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations.

The Government

In its latest version, (which replaced the law of 1992, repealing the direct election of the Prime Minister) was passed on March 7, 2001, by the fifteenth Knesset.

The law lays down the rules and conditions for the direct election of the Prime Minister simultaneously with the Knesset elections, as of the elections to the fourteenth Knesset. In addition, the law deals with the principles regarding the service of the elected Prime Minister and his government, the formation of the government and the qualifications for becoming minister, the procedures leading up to the formation of a government, its actual formation, the way it functions, the distribution of functions amongst its members, its work procedures, its powers and the powers of the ministers and deputy ministers, the tenure of office of the ministers and their salary, the continuity of the government, the conditions for the resignation or removal of the Prime Minister, which lead to new general elections or new elections for the Prime Minister. Only a majority of the Knesset members can amend the law.

Freedom of Occupation

In its new version, (which replaced the law of 1992) was passed on March 9, 1994, by the thirteenth Knesset.

The law lays down the right of "every citizen or inhabitant to engage in any occupation, profession or trade" unless "a law which corresponds with the values of the State of Israel, and which was designed for a worthy end" determines otherwise. The law includes an instruction regarding its permanence and protection from changes by means of emergency regulations. Only a majority of the Knesset members can amend the law.