

ماستر 1

قانون عام و بيئة

النص الثاني: التشريع

أبونوية

Legislation

Legislation is the main source of law in the State, and it is written legal rules established by the competent authority of the State. It is the legislative authority and these rules regulate society and are binding on all parties, whether citizens or the State itself, where the importance of the law is very high in any State.

Legislation refers to the process of making or enacting laws. It involves the creation, amendment, or repeal of laws by a legislative body, which can be a parliament, congress, or other governing body at the national, regional, or local level. Legislation can cover a wide range of subjects and issues, such as civil rights, taxation, healthcare, environmental regulations, criminal justice, and more.

The legislative process typically involves several stages, including proposal, drafting, committee review, public consultation, debate, and voting. Once a bill is passed by the legislative body and signed into law by the relevant authority, it becomes binding and enforceable within the jurisdiction governed by that legislation.

Legislation plays a crucial role in establishing and maintaining a legal framework that governs society. It sets out rights, obligations, and standards of conduct for individuals, businesses, and organizations. Legislation is designed to promote order, protect public safety, safeguard individual rights, regulate activities, resolve disputes, and address societal issues.

Features of legislation

- The legislation is issued in writing. Legislative rules are issued in written form in the form of a specific official document and are well established as compulsory and independent, and are clear and unambiguous as to the date of their establishment or issuance and as to their meaning.

- Legislation lays down a legal basis, accompanied by a material sanction, to be imposed on those who violate it.
- The legislation is passed by an authority competent to establish it

The Constitution confers the right to pass legislation on the legislature, which reflects the will of the people and is the Council elected by the people, and in cases where legislation can be passed directly by referendum.

Types of legislation

1. Basic legislation of the Constitution

It establishes the general form of the State and the system of government, and determines the fundamental freedoms, rights and duties of every individual in society. The Constitution is the supreme legal authority from which all laws are derived and no law may contravene the provisions and principles of the Constitution.

The Constitution defines the competences between the powers of the State, whether the legislative, executive or judicial branches, the functions of each authority and the relationship of each authority to the other, and the constitutional systems of the world vary, including the written Constitution.

2. The ordinary law or legislation. It is the body of legal rules established in accordance with certain provisions and procedures, and ranks second after the basic legislation and follows the provisions established by the Constitution. These laws are regulated on the basis of what may be regulated and governed by such laws as the Civil Code and the Penal Code.

Constitutions have provided for the possibility of involving the Head of State in the drafting of such laws and the enactment, approval or opposition to legislation.

3. Sub-legislation or regulations, which establish the executive branch within the limits of competence established by the Constitution, are ranked third behind the ordinary law or legislation, and the executive branch's competence in the legislation of those regulations is original.