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OMAN: THE BASIC STATUTE OF THE STATE*

ROYAL DECREE NO. 101/96 PROMULGATING THE BASIC STATUTE OF THE STATE

We, Qaboos bin Said, Sultan of Oman confirming the principles that guided the policies of the State in various fields during the past era; resolving to continue our efforts for the development of a better future characterised by further achievements for the benefit of the country and the citizens; consolidating the international status that Oman enjoys and its role in establishing the foundations of peace, security, justice and co-operation among various States and peoples; and in pursuance of the public interest have decreed as follows:

Article One: The Basic Statute of the State is hereby promulgated in accordance with the following formulation.

Article Two: This Decree shall be published in the Official Gazette and shall come into force on the date of its issue.

Qaboos bin Said
Sultan of Oman

Issued on 24 Jumada Al Akhira 1417 A H, corresponding to 6 November 1996.

* This is an unofficial translation provided by the Embassy of the Sultanate of Oman. The Embassy points out that the original of this document is in the Arabic language, which shall prevail in case of any discrepancy between the Arabic and English texts.

CHAPTER ONE
THE STATE AND THE SYSTEM OF GOVERNMENT

Article 1

The Sultanate of Oman is an Arab, Islamic, independent state with full sovereignty and Muscat is its capital.

Article 2

The state's religion is Islam and the Islamic *Shari'a* is the basis for legislation.

Article 3

The state's official language is Arabic.

Article 4

The Law determines the state's flag, emblem, insignia and national anthem.

Article 5

The system of government is Sultani (Royal), hereditary in the male descendants of Sayyid Turki bin Said bin Sultan, provided that the one to be chosen as successor shall be a Muslim, judicious, of sound mind and a legitimate son of Omani Muslim parents.

Article 6

The Ruling Family Council shall within three days of the throne falling vacant, determine the successor to the throne. If the Ruling Family Council does not agree on the choice of the successor to the throne, the Defence Council shall confirm the appointment of the person designated by the Sultan in his letter to the Ruling Family Council.

Article 7

The Sultan, before exercising his authority, shall, in a joint session of the Oman Council and the Defence Council, take the following oath:

"I swear by Almighty Allah to respect the Basic Statute of the State and the Laws and to fully safeguard the interests of the citizens and their freedom and to preserve the independence of the country and its territorial integrity".

Article 8

The Government shall continue to perform its functions as usual until the Sultan is chosen and exercises his powers.

Article 9

Rule in the Sultanate shall be based on justice, shura and equality. The citizens have the right – in accordance with this Basic Statute and the conditions and provisions stipulated by the Law – to participate in public affairs.

CHAPTER TWO
THE PRINCIPLES GUIDING THE STATE'S POLICY

Article 10: the political principles

- (1) Preserving the independence and sovereignty of the state and safeguarding its entity, security, stability and defending it against any aggression;
- (2) Reinforcing ties of co-operation and reaffirming friendly relations with all states and peoples on the basis of mutual respect, common interest, non-interference in the internal affairs and adherence to the international and regional charters and treaties and the generally recognised norms of international law conducive to the promotion of peace and security among states and peoples;
- (3) Laying suitable foundations for consolidating the pillars of genuine shura emanating from the country's heritage, values and its Islamic *Shari'a*, taking pride in its history while adopting the useful contemporary methods and tools;
- (4) Establishing a sound administrative system that guarantees justice, tranquillity and equality for the citizens and ensures respect for public order and the preservation of the higher interests of the country.

Article 11: the economic principles

- (1) The national economy is based on justice and the principles of free economy. Its essence is the constructive and fruitful co-operation between public and private activity. Its objective is the achievement of economic and social development in order to increase production and raise the standard of living of the citizens according to the state's general plan and within the limits of the Law;
- (2) 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;
- (3) The state encourages savings and supervises the regulation of credit;

- (4) All natural resources and revenues therefrom shall be the property of the state which will preserve and utilise them in the best manner taking into consideration the requirements of the State's security and the interests of the national economy. No concession or investment in any of the public resources of the country may be granted except by virtue of a law and for a limited period, provided the national interests are safeguarded;
- (5) Public property shall be inviolable. The state shall protect it and citizens and residents shall preserve it;
- (6) Private ownership is safeguarded and no person shall be prevented from disposing of his property except within the limits of the Law. No property shall be expropriated except for the public interest in cases stipulated by the Law and in the manner specified therein, provided that the person dispossessed shall be fairly compensated. Inheritance is a right governed by Islamic *Shari'a*.
- (7) Confiscation of property is forbidden. Specific confiscation as a penalty shall not be imposed except by judicial order, and in cases specified in the Law;
- (8) Taxes and general charges are based on justice and the development of the national economy;
- (9) Imposition of public taxes, amending and cancelling the same shall be by virtue of a law and no person is exempted from paying all taxes or part thereof except in the cases specified in the Law;
- (10) It is not permitted to impose a new tax, fee or any right with retrospective effect whatever its type might be.

Article 12: the social principles

- (1) Justice, equality, and equality of opportunities for Omanis are the pillars of the society and are guaranteed by the state;
- (2) Co-operation and mutual compassion are intimate bonds among the citizens and the reinforcement of national unity is a duty. The state shall prevent anything that might lead to division, sedition or disruption of national unity;
- (3) The family is the basis of society and the Law regulates means of protecting it, preserving its legal entity, reinforcing its ties and values, looking after its members and providing suitable conditions to develop their potential and capabilities;
- (4) The state guarantees assistance for the citizen and his family in cases of emergency, sickness, disability and old age according to the scheme of the social security and shall work for the solidarity of the society in bearing the burdens resulting from national disasters and catastrophes;
- (5) The state cares for public health and the means of prevention and treatment of diseases and epidemics. It endeavours to provide health care for every citizen and encourages the establishment of private hospitals,

polyclinics and medical institutions under its supervision and according to regulations determined by the Law. It also works for the conservation of the environment, its protection and the prevention of pollution;

- (6) The state enacts laws for the protection of the employee and the employer and regulates the relationship between them. Every citizen has the right to pursue the profession he chooses within the limits of the Law. It is not permitted to impose any compulsory work on anybody except by virtue of law and only for rendering a public service and in return for a fair remuneration;
- (7) Public employment is a national service entrusted to those who carry it out. The state employees, while carrying out their work, shall pursue the public interest and service to society. Citizens are considered equal in taking up public employment according to the provisions of the Law.

Article 13: the cultural principles

- (1) Education is a cornerstone for the progress of society which the state fosters and endeavours to spread and make it accessible to all;
- (2) Education aims to raise and develop the general cultural standard, promote scientific thought, kindle the spirit of research, respond to the requirements of economic and social plans, build a generation that is physically and morally strong, that takes pride in its nation, country, and heritage and preserves its achievements;
- (3) The state provides public education, works to combat illiteracy and encourages the establishment of private schools and institutes under its supervision and according to the provisions of the Law;
- (4) The state fosters and preserves the national heritage, encourages the sciences, arts, literature, scientific research and assists in their propagation.

Article 14: the security principles

- (1) Peace is the objective of the state, and the country's safety is a duty incumbent on every citizen;
- (2) The Defence Council considers the matters related to preserving the Sultanate's safety and its defence;
- (3) Only the state establishes the armed forces, public security organisations and any other forces. All these forces belong to the nation and their mission is to protect the state, ensure the safety of its territories, and guarantee the security and tranquillity of the citizens. No organisation or group is allowed to establish military or paramilitary forces. The Law regulates military service, general or partial mobilisation, and the rights, duties and rules of discipline of the Armed Forces, public security organisations, and any other forces the state decides to establish.

CHAPTER THREE
PUBLIC RIGHTS AND DUTIES

Article 15

Nationality is regulated by the Law and it is prohibited to denaturalise or revoke it except within the limits of the Law.

Article 16

It is prohibited to deport or exile citizens or prevent them from returning to the Sultanate.

Article 17

All citizens are equal before the Law and share the same public rights and duties. There is no discrimination between them on the grounds of gender, origin, colour, language, religion, sect, domicile, or social status.

Article 18

Personal freedom is guaranteed according to the Law, and it is unlawful to arrest, search, detain, or imprison any person or have his place of residence or freedom of movement restricted except in accordance with the provisions of the Law.

Article 19

Detention or imprisonment in places other than those designated for such purpose under the laws of prisons – where health and social care is provided – is unlawful.

Article 20

No person shall be subjected to physical or psychological torture, inducement or demeaning treatment and the Law stipulates punishment of persons who commit such offences. Any statement or confession proven to have been obtained under torture, inducement, demeaning treatment or threats of any such acts, shall be deemed void.

Article 21

No crime or penalty is cognisable as such except by virtue of a Law, and (there shall be) no punishment except for acts subsequent to coming into force of the Law wherein such acts are provided for. Penalty is personal.

Article 22

The accused is innocent until proven guilty in a legal trial in which the essential guarantees to exercise his right of defence according to the Law are ensured. It is prohibited to harm an accused either bodily or mentally.

Article 23

The accused has the right to appoint a person capable of undertaking his defence during the trial. The Law defines the cases where the appearance of a defence lawyer on behalf of the accused is imperative, and ensures for those financially unable the means to seek judicial redress and defend their rights.

Article 24

Any person who is arrested or detained shall immediately be informed of the reasons for his arrest or detention. He has the right to contact whoever he wants to inform of what has taken place or get assistance in the manner regulated by the Law. Such a person shall immediately be informed of the charges against him. He or his representative has the right to petition the court against the action restricting his personal freedom. The Law regulates the right of petition in a manner which ensures that disposal of the petition will be within a specified period, failing which he must be released.

Article 25

Litigation is a protected right and is guaranteed to all people. The Law prescribes the procedures and conditions necessary to exercise this right. The state as far as possible will guarantee approximation of judicial bodies to litigants and speedy settlement of cases.

Article 26

It is unlawful to conduct any medical or scientific experiment on any person without his freely given consent.

Article 27

Places of residence are inviolable and accordingly trespassing thereof is illegal without the permission of the legal occupant except in cases specified by the Law and in the manner stipulated therein.

Article 28

The freedom to practice religious rites according to recognised customs is

guaranteed, provided it does not disrupt the public order or contradict with morals.

Article 29

The freedom of opinion and expression thereof through speech, writing or other forms of expression is guaranteed within the limits of the law.

Article 30

The freedom of correspondence by post, telegraph, telephone, or other means of communication is protected and its confidentiality guaranteed. Hence it is unlawful to monitor, search, disclose the confidentiality, delay or confiscate the same except in cases specified by the Law and in accordance with the procedures prescribed therein.

Article 31

Freedom of the press, printing and publishing is guaranteed according to the terms and conditions specified by the Law. Anything leading to discord, harming the state's security or abusing human dignity or rights is prohibited.

Article 32

Citizens have the right to assemble within the limits of the Law.

Article 33

The freedom of forming societies on a national basis and for legitimate objectives and by peaceful means – provided that it is not in conflict with the provisions and objectives of this Basic Statute – is guaranteed in accordance with the terms and conditions stipulated by the Law. It is prohibited to form societies, the activities of which are adverse to the order of society, secret, or of a military nature. It is unlawful to force anyone to join any society.

Article 34

Citizens have the right to address public authorities on personal matters or matters relevant to public affairs, in the manner and conditions specified by the Law.

Article 35

Every foreigner who is legally resident in the Sultanate enjoys protection to himself and his property according to the Law. He shall uphold the society's values and respect its traditions and sentiments.

Article 36

Extradition of political refugees is prohibited. Laws and international agreements determine the rules for the extradition of criminals.

Article 37

The defence of the homeland is a sacred duty, and coming forward to serve in the Armed Forces is an honour for the citizens regulated by the Law.

Article 38

Preserving national unity and safeguarding the state's secrets is a duty incumbent upon every citizen.

Article 39

Payment of taxes and public dues is a duty according to the Law.

Article 40

Respect of the Basic Statute of the state, the laws and orders issued by the public authorities in implementation thereof, observance of public order and respect of public morals, is a duty incumbent upon all residents of the Sultanate.

CHAPTER 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. Respect for him is a duty and his command must be obeyed. He is the symbol of national unity and the guardian of its preservation and protection.

Article 42

The Sultan discharges the following functions:

- (1) Preserving the country's independence and its territorial integrity, protecting its internal and external security, safeguarding the rights and freedoms of the citizens, ensuring the rule of Law and guiding the state's general policy;

- (2) Taking prompt measures to counter any danger threatening the Sultanate's safety, the integrity of its territories, the security and the interest of its people or impeding the functioning of the state's institutions;
- (3) Representing the state internally and towards other states in all international relations;
- (4) Presiding over the Council of Ministers or appointing a person to preside;
- (5) Presiding over the Specialised Councils or appointing a person to preside;
- (6) Appointing Deputy Chairmen of the Council of Ministers, Ministers and those of similar rank and relieving them of their posts;
- (7) Appointing Under-Secretaries, Secretary-Generals, and those of similar rank and relieving them of their posts;
- (8) Appointing senior judges and relieving them of their posts;
- (9) Declaring a state of emergency, general mobilisations, war, and concluding peace. The Law specifies the rules thereof;
- (10) Promulgating laws and ratifying them;
- (11) Signing international treaties and agreements according to the provisions of the Law or authorising their signature and issuing Decrees ratifying the same;
- (12) Appointing political representatives to other states and international organisations and relieving them of their posts according to the limits and conditions stipulated by the Law, as well as accepting the credentials of representatives of other states and international organisations;
- (13) Pardoning or commuting any penalty;
- (14) Conferring orders of honour and military ranks.

Article 43

The Sultan shall be assisted in formulating 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 the implementation of the state's general policies and in particular undertakes the following:

- (1) Submitting recommendations to the Sultan on economic, political, social, executive, and administrative matters of concern to the Government including proposing draft laws and decrees;
- (2) Protecting the interests of the citizens and ensuring the availability of the necessary services to them, and enhancing their economic, social, health, and cultural standards;
- (3) Determining the objectives and the general policies for economic, social, and administrative development and proposing the necessary means and

measures for their implementation which ensure the best utilisation of the financial, economic and human resources;

- (4) Discussing development plans prepared by the competent authorities, submitting them to the Sultan for approval, and following up their implementation;
- (5) Discussing proposals of Ministries relevant to their respective jurisdiction and making appropriate recommendations and decisions in this regard;
- (6) Supervising the functioning of the state's administrative body, following up the performance of its duties and co-ordinating among its units;
- (7) Supervising generally the implementation of the laws, decrees, regulations, decisions, treaties, agreements and courts' judgments in a manner that ensures adherence thereto;
- (8) Discharging any other competence delegated by the Sultan or vested by the provisions of the Law.

Article 45

The Prime Minister shall preside over the Council's sessions and may entrust one of the Deputy Prime Ministers to conduct the sessions which he does not attend. If the Prime Minister and his Deputies are absent the Sultan will authorise whom he deems appropriate to conduct the sessions.

Article 46

The Council's meetings shall be valid by the attendance of the majority of its members. Its deliberations shall be secret and its decisions are taken by the majority of members attending.

Article 47

The Council shall formulate its internal regulations including its rules of procedure and shall have a Secretariat- General provided with a sufficient number of staff to assist it in performing its duties.

The Prime Minister, his Deputies, and the Ministers

Article 48

If the Sultan appoints a Prime Minister, his jurisdiction and powers shall be stipulated in the Decree appointing him.

Article 49

Any appointed Prime Minister, Deputy Prime Minister, or Minister shall be:

- (1) Of original Omani nationality in accordance with the Law;
- (2) Aged not less than 30 years of the Gregorian calendar.

Article 50

Before assuming their powers, the Prime Minister, his Deputies, and the Ministers shall take the following oath before the Sultan:

“I swear by Almighty Allah to be faithful to my Sultan and country, to respect the Basic Statute of the State and the State’s applicable Laws, to fully protect its entity and territorial integrity, to guard its interests and those of its citizens and to perform my duties faithfully and honestly”.

Article 51

The Deputy Prime Minister and the Ministers shall supervise their unit’s affairs, implement therein the general policy of the Government, as well as drawing up the guidelines of the unit and following up their implementation.

Article 52

Members of the Council of Ministers are collectively responsible politically before the Sultan for the implementation of the state’s general policy. Each of them is individually responsible before the Sultan for the manner in which he performs his duties and exercises his authority in his respective Ministry or unit.

Article 53

Members of the Council of Ministers shall not combine their ministerial position and the chairmanship or membership to a board of directors of any public joint stock company. The Government units which they are in charge of, or supervise, shall not deal with any company or establishment in which they have an interest, whether direct or indirect. They shall always, by their conduct, pursue the interests of the country and work in furtherance of the public benefit. They shall not abuse their official positions in any form whether for their own benefit or the benefit of those with whom they have special relations.

Article 54

Emoluments of the Deputy Prime Ministers and the Ministers during their term of office and after their retirement shall be determined by the orders of the Sultan.

Article 55

The provisions of Articles 49, 50, 51, 52, 53 and 54 shall apply to all those of a Minister’s rank.

*Specialised Councils***Article 56**

Specialised Councils shall be established, their powers determined and their members appointed by virtue of Royal Decrees.

*Financial Affairs***Article 57**

The Law specifies the provisions related to the following matters and the bodies responsible thereof:

- (1) Collecting taxes and fees and other public monies and the procedure of its disbursement;
- (2) Maintaining and managing the property of the state, the conditions for its disposal and the limits within which some of these properties can be assigned;
- (3) The state's general budget and the final account;
- (4) The autonomous and supplementary general budgets and their final accounts;
- (5) The state Audit;
- (6) Loans extended or obtained by the state;
- (7) Currency, banks, standards, measures, and weights;
- (8) Affairs of salaries, pensions, compensation, subsidies, and gratuities charged to the state's Treasury.

CHAPTER FIVE
THE OMAN COUNCIL

Article 58

The Oman Council shall consist of:

- (1) The Shura Council;
- (2) The State Council.

The Law shall specify the jurisdiction of each, its term, sessions, and rules of procedure. Also the Law shall determine the number of its members, the conditions they should satisfy, the way they are selected or appointed, the reasons for their dismissal and other regulatory provisions.

CHAPTER SIX
THE JUDICIARY

Article 59

The supremacy of the Law shall be the basis of governance in the state. The dignity, integrity and impartiality of the judges are the guarantee for the preservation of rights and freedoms.

Article 60

The judiciary is independent and its functions are exercised by the different types and grades of courts which issue judgments in accordance with the Law.

Article 61

Judges are subject only to the Law and cannot be removed except in cases determined by the Law. No party can interfere in lawsuits or matters of justice, such interference shall be considered a crime punishable by law. The Law shall determine prerequisites to be fulfilled by whoever exercises judicial functions, the conditions and procedures for appointing, transferring and promoting judges, the guarantees accorded to them, the cases where they cannot be removed from office and all other relevant provisions.

Article 62

The Law regulates the types and grades of the courts and specifies their functions and jurisdiction. The military courts deal solely with military offences committed by members of the Armed Forces and security forces. Its jurisdiction cannot be extended to others except in the case of martial law and within the limits prescribed by the Law.

Article 63

Court sessions are open unless the court decides to hold them in camera in the interest of public order or morals. In all cases the pronouncement of judgments must be in open session.

Article 64

The Public Prosecution shall conduct criminal proceedings on behalf of society, supervise criminal investigation, attend to the enforcement of criminal law, the pursuit of the guilty and execution of judgments. The Law regulates Public Prosecution and its jurisdiction, and specifies conditions and guarantees of those who discharge its functions.

The public security bodies may by a law be exceptionally entrusted with conducting criminal proceedings in cases of misdemeanours and in accordance with conditions specified by the Law.

Article 65

The Law regulates the legal profession.

Article 66

The judiciary shall have a Supreme Council which shall supervise the proper functioning of the courts and auxiliary bodies. The Law shall specify its powers with regard to the job-related affairs of judges and of the Public Prosecution.

Article 67

The Law regulates the settlement of administrative disputes through a panel or special court, whose regulation and the manner of exercising its functions shall be specified by the Law.

Article 68

The Law shall regulate the procedure for settlement of conflict of jurisdiction between judicial bodies and in cases of conflict of judgments.

Article 69

The Law defines the jurisdiction of the authority responsible for giving legal opinion to the Ministries and other government units, and the formulation of the draft laws, regulations, decisions, and their review. It also specifies the manner of representing the state and all public authorities and establishments before the courts.

Article 70

The Law defines the judicial body entrusted with the settlement of disputes pertaining to the extent of conformity of laws and regulations with the Basic Statute of the State and that the said laws and regulations do not contradict with its provisions. The Law also specifies the powers of such judicial body and the procedure which it may follow.

Article 71

Judgments shall be issued and executed in the name of His Majesty The Sultan. Omission to execute or obstruction of the execution of these judgments by

concerned public officials is a crime punishable by law. The judgment beneficiary has the right in this case to file a criminal action directly to the competent court.

CHAPTER SEVEN GENERAL PROVISIONS

Article 72

The application of this Basic Statute shall not prejudice treaties and agreements the Sultanate has entered into with other countries, international institutions and organisations.

Article 73

No provision of this Basic Statute shall be suspended except during periods of martial law and within the limits defined by the Law.

Article 74

Laws shall be published in the Official Gazette within two weeks from the day of their issue. They shall come into force on the date of their publication, unless another date is specified therein.

Article 75

The provisions of the Laws shall only apply to events subsequent to the date of their coming into force. They shall have no effect on events prior to that date unless otherwise stipulated therein. This exception shall not include penal, taxation and financial dues laws.

Article 76

Treaties and agreements shall not have the force of law except after their ratification. In no case shall treaties and agreements have secret terms contradicting their declared ones.

Article 77

Whatever is stipulated by applicable laws, regulations, decrees, orders and decisions in force at the time when this Basic Statute comes into effect, shall remain in force provided that they are not in conflict with any of its provisions.

Article 78

The competent bodies shall take steps for issuance of non-existing laws necessitated by this Basic Statute within two years from the date of its coming into force.

Article 79

Laws and procedures which have the force of Law shall conform to the provisions of the Basic Statute of the State.

Article 80

No authority in the state shall issue regulations, statutes, decisions, or directives that contradict the provisions or the applicable laws and decrees, or international treaties and agreements which are part of the Law of the Land.

Article 81

This Statute shall not be amended except in the manner in which it was promulgated.