

Lesson 2 : Constitutional Law

Definition of the Constitution

The constitution is a set of provisions that define the structure of state, system of government, distribution of powers, and the rights and duties of citizens. It is the foundation for all laws in a country, ensuring no law contradicts its principles.

Definition of Constitutional Law

Constitutional law refers to the rules derived from the constitution. These rules often define key principles, such as the separation of powers, which divides the government into legislative, executive, and judicial branches to prevent abuses of power. The judiciary plays a vital role through judicial review, which allows courts to ensure that laws and actions comply with constitutional principles.

The constituent authority

The constitution is usually established by a higher authority. Amending constitutional provisions involves more complex procedures compared to regular legal amendments, requiring ratification in most cases.

Formal and informal meanings of the constitution

The term “constitution” can refer formally to the document outlining the state’s fundamental principles, such as the preamble or the basic law of the state. However, some constitutional practices arise from customs and may not be included in the formal document.

Historical context

The modern concept of a written constitution began in the United States with its constitution of 1787, followed by the French constitution of 1791. These documents included foundational principles like separation of powers to ensure balance between the executive, legislative, and judicial branches.

Key constitutional concepts

Modern constitutions address processes like naturalization, which governs how foreign individuals can become citizens. They also guarantee civil liberties and ensure due process to protect individuals’ rights.

Key Terminology

- **Constitution** الدستور
- **Amendment** تعديل الدستور
- **Bill of rights** ميثاق الحقوق
- **Separation of powers** فصل السلطات
- **Judicial review** المراجعة القضائية

- Due process الإجراءات القانونية الواجبة
- Civil liberties الحريات المدنية
- Ratification التصديق
- Constituent authority السلطة التأسيسية
- Naturalization التجنيس
- Preamble مقدمة الدستور
- Basic law of the state القانون الأساسي للدولة