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the system of state-bodies of India / Egypt /Tunisia

in Egypt (president)

The president of Egypt is the executive head of state of Egypt. Under the various iterations of the Constitution of Egypt following the Egyptian Revolution of 1952, the president is also the supreme commander of the Armed Forces, and head of the executive branch of the Egyptian government. The current president is Abdel Fattah el-Sisi, in office since 8 June 2014.

Old electoral system

Presidential Standard, 1972-1984

The Egyptian Constitution has had various forms since the establishment of the republic in 1953. In all iterations of the republican constitution until 2005, the method of electing the President was based on that of the French Fifth Republic. Both the pre-revolution Egyptian Civil Code, and the semi-presidential system of government adopted after the revolution were strongly influenced by the legal and political tradition of France. In this two-stage system, the Egyptian legislature, the National Assembly (a name also inspired by its French counterpart), would nominate one of a number of candidates for the presidency. A candidate needed at least a two-thirds majority in the Assembly in order to win the nomination. In the second stage, the candidate was confirmed in office by popular plebiscite of

all eligible voters in the country. Egypt maintained this system even after it was abandoned by France in 1962 in favour of direct presidential elections, eliminating the role of the legislature in the election of the French President. In the Egyptian Constitution of 1971, the name of the National Assembly was changed to the People's Assembly.

Presidential powers

Under the system created by the 1980, 2003 and 2007 constitutional amendments to the 1971 Constitution, the President is the pre-eminent executive figure, who names the Prime Minister of Egypt as well as appoints the Cabinet per the latter's recommendation, while in reality, was the head of both the state and of the government, aside from being the top foreign policy maker and holding supreme command over the military. During martial law, the President also appoints deans of faculties and majors, and can also enlist or oust people in the private sector. He or she then also has the power to issue regulations for the enforcement of laws, ensuring proper public services, etc., which have been transferred to the Prime Minister under the 2012 and 2014 Constitutions.[citation needed] Egypt had been under martial law since 1981.[citation needed] After the Egyptian revolution in 2011 - 2012, that ousted the 30-year regime of then President Hosni Mubarak, the martial law was suspended.

The 2012 Constitution, provides for a semi-presidential form of government in which the President shares executive powers with the Prime Minister. This structure was retained under a new Constitution that was ratified on 2014, one year after a military coup ousted the country's first democratically elected president, Mohamed Morsi. Defense Minister and Field Marshal Abdel Fattah el-Sisi later suspended the 2012 Constitution. Sisi was elected President of Egypt under the 2014 Constitution, months after it was ratified.

Under the present 2014 Constitution, the President is the head of state as well as that of the executive. He or she lays down, along with the Prime Minister and the Cabinet, the state's general policy and oversees its implementation, represents Egypt in foreign relations and has the power to ratify treaties, can issue decrees having the force of law when the House of Representatives is in recess and such decrees is subject for approval by the House after resuming its sessions at the end of the recess and acts as the supreme commander of the armed forces. He or she has also the power of pardon, and exercise necessary powers in times of emergencies.

Presidential Election Commission

The amendment to Article 76 of the constitution provides for the establishment of a “Presidential Election Commission” that would have complete independence, and would be charged with the supervision of the presidential election process.

The commission will be composed of 10 members, presided by the Chief Justice of the Supreme Constitutional Court and four other ex officio members of the judiciary who are the most senior serving Deputy President of each of the Supreme Constitutional, the Court of Cassation, and the High Administrative Court, and the president of the Cairo Court of Appeal.

The rest of the commission will be made up from five independent and neutral public figures: three to be selected by the Peoples Assembly and two to be selected by the Shoura Council.

Decisions of this Committee shall be passed by a majority of seven votes. This commission will have a term of five years and will be exclusively competent to supervise the presidential election process, including accepting

nominations, announcing the names of accepted candidates, supervision of election procedures, vote counting and announcement of the results.

It will also have final judicial competence to rule on any contesting or challenge submitted in relation to the presidential elections, and its decision will be final and subject to no appeal. The committee will issue its own regulations and shall be competent to establish general subcommittees from among members of the judiciary, to monitor the various phases of the election process, under its supervision. The election process will be completed in one Day

Presidential campaign

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Egypt's system of government reflects a combination of the prime ministerial and presidential systems. The President is the head of state and commander in chief of the armed forces. The Prime Minister acts as the president's deputy and implements his policies. Both the Prime Minister and the Council of Ministers are appointed and removed by the President. The Parliament enacts laws submitted by the cabinet. In the meantime, the judiciary supervises the enforcement of these laws.

The three main branches of the government as stated in the Egyptian Constitution are (1) the executive branch, (2) the legislative branch, and (3) the judicial branch.

Executive Branch

The Executive Branch is headed by the President, who chooses the Prime Minister and the Council of Ministers. According to the Egyptian Constitution, the President must be elected by the Parliament. Once elected, the President serves six consecutive calendar years and can be reelected indefinitely. He has the authority to appoint all the judges of the Supreme Constitutional Court, along with civilian and military judges. In addition, the President appoints ten members of the People's Assembly (see discussion, below). He also selects eighty-eight out of 246 members of the Shura Council (the Consultative Council).

Legislative Branch (Parliament)

The legislative branch consists of two chambers: the People's Assembly and the Shura Council (Consultative Council).

The People's Assembly has the power to enact laws and approve bilateral and multilateral treaties as well as the national budget. It consists of 454 members and 444 of these members are directly elected. The remaining 10 are appointed by the President.

The Shura Council (Consultative Council) acts in a consulting capacity to the President, the executive branch, and the People's Assembly. Unlike the People's Assembly, it does not have any legislative powers. While the President appoints eighty-eight members of the Shura Council, the remaining 174 members of the Shura Council are directly elected by the people.

Judicial Branch

The judicial branch monitors and supervises the implementation and enforcement of laws. Judges are appointed for life with a mandatory retirement at the age of seventy.

Official Language

According to article 2 of the Egyptian Constitution, Arabic is the official language of the country.

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Official Sources of the Law

Constitution (Al Dustour)

The Egyptian Constitution is the supreme law of the land. Article 2 of the Constitution provides that Islam is the state religion and Islamic Shari'a (law) is the main source of legislation. The Constitution of 1971 confirms the principle of separation of powers between the legislative, executive, and judicial branches. The Constitution was amended in 1980 to promote the concepts of human rights, freedom of individuals, and the rule of law.

Laws (Al Tashreeat)

The People's Assembly passes laws and the President approves those laws. All laws must adhere to constitutional provisions and Islamic Sharia'. The Supreme Constitutional Court has the right to review the constitutionality of laws.

Treaties and International Agreements (Al Atfakyat wa Al Muahadat Al Doulyah)

Treaties and agreements become laws when they are signed and ratified by the executive branch and approved by the People's Assembly.

Presidential Decrees (Al Qarrat Al Gomhouriah)

Presidential decrees have the force of law; however, they still need the approval of the People's Assembly. The President has the authority to issue a presidential decree to dissolve the Parliament.

Prime Ministerial Resolutions (Qarrat Ra'ais Al Wzaraza'a)

The office of the Prime Minister issues prime ministerial resolutions to coordinate among ministries and enforce the agenda of the President.

Ministerial Resolutions (Al Qarrat Al Wazarih)

Ministerial Resolutions establish procedures to facilitate the execution of recently enacted laws. These resolutions usually deal with issues pertaining to the ministry's jurisdiction.

Printed Sources

Laws, presidential decrees, and resolutions of the Prime Minister are published in the Egyptian Official Gazette (Al Gareedah Al Rasmeyah), usually within two weeks of their issuance. They become effective one month from the date

of publication. Ministerial resolutions as well as other decisions and acts of governors are published in The Egyptian Proceedings (Al Waqa'a Al Rasmeyah), a supplement of the Official Gazette.

Legislative Process

The President, any member of the People's Assembly, and any Minister has the right to propose a bill. Once proposed, a bill is sent to an ad hoc committee for examination and then submitted to the People's Assembly for a vote. When a majority of the parliamentarians are present in the People's Assembly, a quorum is established for voting and a vote on each article of the bill may proceed.

After passing a bill, the People's Assembly sends it to the President for his formal approval and signature. If the President approves the bill, he signs it. It must be published in the Official Gazette within two weeks of its issuance date (the date of signing) and becomes law upon publication. However, the President has the right to return this bill to the People's Assembly within thirty days if he disagrees with its contents. In the event that a bill is

returned to the People's Assembly, the Assembly may endorse it for the second time if supported by a two-thirds majority vote. If the People's Assembly approves the bill for the second time, it automatically becomes a law without the approval of the President.

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Court System

Three-Tiered Judicial Branch

The Egyptian court system includes three tiers: Courts of the First Degree (Mahkmat El Daragah El Aoulah), the Appellate Court (Mahkmat El Esti'anaf), and the Court of Cassation (Mahkmat El Naqd).

Courts of the First Degree

The Courts of the First Degree are responsible for adjudicating misdemeanors and civil disputes involving financial amounts that do not exceed EG£5000 (about US\$800). The court consists of one judge. These courts

have jurisdiction over commercial, contractual, insurance, intellectual, and real property disputes. The Civil Court of the First Instance does not have jurisdiction over capital crimes.

Courts of Appeal

The Courts of Appeal serve as courts of first instance for capital crimes. There are seven appeals courts located in the major cities of Egypt. Each court has jurisdiction over the region assigned. Each Court of Appeal consists of three judges: a chief justice and two assistants. Their mission is to review decisions related to misdemeanors and civil matters issued by Courts of the First Degree across the country. The court applies civil and criminal codes modeled primarily on the French Napoleonic Codes; therefore, there is no jury system. The Court of Cassation represents the final stage of criminal appeals.

Some circuits within the criminal court have jurisdiction over crimes related to state security. Individuals tried before these circuits do not have the right to appeal the court's decision except on procedural grounds.

Court of Cassation

There is only one Court of Cassation, located in the capital. Established in 1931, it is considered the highest judicial body in the Egyptian court system. It consists of criminal and civil sections. A defendant or plaintiff may access this court only if a breach of law is claimed as the basis for the appeal. The court's main objective is to provide a comprehensive and uniform interpretation of the law. The court issues an annual collection of its decisions, entitled Rulings and Principles of the Court of Cassation.

Courts of Special Jurisdiction

In addition to the three-tiered system described above, the Egyptian judicial branch consists of different types of courts with specialized jurisdiction, including the Supreme Constitutional Court (El Mahkamah El Dostouriah El Aolyah), Family Courts (Mahkmat El Ausrah), Military Courts (El Mahakm El Askariyah), Economic Courts (El Mahkmat El Eqtsadyah), Environmental Courts (El Mahkamt El Beaeayah), and Council of State (Administrative Judicial Court) (Mahkamah Al Qda'a El Edari).

Supreme Constitutional Court

The Supreme Constitutional Court was established in 1969. According to Law 48-1979, the court has the authority to determine the constitutionality of the laws passed by the People's Assembly, identify the jurisdiction of courts, and interpret laws and presidential decrees. The President of Egypt appoints the judges of the court, who serve until the mandatory retirement age.

Family Courts

The Family Courts were established in 2004 to protect children in disputes pertaining to tutelage, divorce, alimony, and custody. These courts apply Islamic Shari'a in disputes involving Muslims, and to married Christian couples who belong to different Christian sects. The courts also apply Islamic law in matters of inheritance. The family court system is a three-tiered system, with first instance, intermediate, and final appellate courts, which reflect the administrative division of the country.

Military Courts

The Military Courts have jurisdiction over military personnel and civilians implicated in crimes related to terrorism and national security. Based on amendment 1382010 amending Law 234-1959 concerning reserve officers

and Law 25 of 1966 on military justice, the jurisdiction of the Military Courts expanded to cover crimes committed in border areas and crimes against facilities of military production. As opposed to the civilian courts, the Military Courts do not have due process. The verdicts of the courts can only be appealed through the High Military Appeals Court. Only the President of the Republic can overturn rulings rendered by the Military Appeal Court.

Economic Courts

Law 120-2008 establishes Economic Courts in each Court of Appeal circuit. The Economic Court consists of courts of first instance and courts of appeal. These courts have a jurisdiction over criminal cases stemming from investment operations, laws on consumer protection, and commercial and banking transactions. The economic court system is a three-tiered system, with first instance, intermediate, and final appellate courts.

Environmental Courts

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The Council of State (Administrative Judicial Court System)

Established in 1946, the Council of State has the right to nullify and repeal administrative decrees issued by the Council of Ministers, the Prime Minister, and the President. The Council consists of the Administrative Judicial Court and the Supreme Administrative Court.

The Administrative Judicial Court has jurisdiction over administrative matters related to government contracts, tenders, and administrative decisions. It is a first instance court.

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Egypt's system of government reflects a combination of the prime ministerial and presidential systems. The President is the head of state and commander in chief of the armed forces. The Prime Minister acts as the president's deputy and implements his policies. Both the Prime Minister and the Council of Ministers are appointed and removed by the President. The Parliament enacts laws submitted by the cabinet. In the meantime, the judiciary supervises the enforcement of these laws.

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