

The Belarus Legal System

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Introduction

The Republic of Belarus is a unitary state in Eastern Europe. It became independent after the liquidation of the USSR in 1991. The Constitution was adopted in March 15, 1994. In November 1996, the presidential variant of the new edition of the Constitution providing essential expansion of powers of the chief of state was accepted. The form of government in Belarus is the *superpresidential* republic. The head of state is the President of the Republic. He is elected to the office for five years.

The Government

The legislative branch belongs to a bicameral Parliament - [Natsionalnoye Sobranie of the Republic of Belarus](#). It consists of the *Chamber of the Representatives (Palata Predstaviteley)* and the *Council of Republic (Sovet Respubliki)*. The Chamber of the Representatives accounts 110 deputies elected by direct general ballot vote. The Council of Republic is a chamber of territorial representation. The term of powers of the parliament is 4 years.

The legislative process in Belarus reflects the ideas of "rationalized parliamentarizm", borrowed from the Constitution of France of 1958. The right of the legislative initiative belongs to the President and the Parliament.

The executive branch in Belarus is directed by the government, the *Council of Ministers*, the main body of state management. The government in its activity is accountable to the President and to the Parliament.

The chiefs of local executive bodies are nominated and are exempted from their posts by the President.

The Presidency

Besides the Parliament, the legislative authority is carried out by the President. The powers of the President of the Republic of Belarus are one of the widest in the world. He declares referendums, extraordinary elections, dismisses chambers of Parliament in cases stipulated by the Constitution, nominates with the consent of Council of Republic the Chairman of the Central Electoral Commission, the General Prosecutor, the Chairman of the National Bank. He independently nominates and releases from the office the Chairman of the Committee of the State Control, etc.

But the largest powers of the President are in the field of legislation. The 1996 Constitution of the Republic of Belarus essentially had expanded the competence of the chief of the state in the law making activity.

The President issues Decrees (valid as law), Edicts, and Orders, which are having obligatory force in all territory of the Republic. The excessive actualization of the law making activity of the President shadows

a representative body – the Parliament – and consequently, removes the citizens from the process of the proposal and enactment of new laws. The President exercises complete control over the executive branch of Belarus. Also, as the chief of the state, he exercises a significant influence on the judicial authority. He nominates (with the consent of the Council of the Republic) the Chief of the Constitutional Court, the Supreme Court and the Supreme Economic Court, and also the judges of the Supreme and Supreme Economic Court and some judges of the Constitutional Court.

The Legal System

The Statutes of the Grand Duchy of Lithuania were a great achievement of Belarusian Law. They were written during the 16th century in Belarussian and are among first European constitutions and codes. They have served later as model to other European nations. The Statutes of the Grand Duchy of Lithuania are considered to be one of the main treasures of Belarusian, Lithuanian and Polish culture.

The modern legal system of the Republic of Belarus is included in *the Romano-German legal family*, forming together with the countries of CIS, the independent "Euroasian" group. The basic sources of law in Belarus are:

- Constitution (supreme law of the country)
- Codes
- Decrees and Edicts of the President
- Laws of the Parliament
- Decisions of Government

The judicial precedent, as well as in other countries of the Romano - Germanic family, is not a source of the law. However, explanations of Plenums of the Supreme Court and the Supreme Economic Court on application of the legislation are obligatory for courts and bodies using the law. Close to judicial precedents are the legal acts of the Constitutional Court.

International treaties are also an important source of law. The Republic of Belarus recognizes the principles of the international law and provides conformity with them in its legislation. However, the Constitution does not speak about a priority of ratified international acts above the republican laws.

The most important codes of Belarus are based on the modeling legislation approved by Inter Parliamentary Assembly of the States of the participants of CIS. The new *Civil Code* was accepted in 1998. The *Civil Code* includes the law of obligations (contract and tort), property law, law of intellectual property, inheritance law and international private law. The *Code of Land* is the main source of land law, the *Family Code* adjusts the family relations and the *Labor Code* regulates labor relations.

Belarus has a new *Code of Civil Procedure* (1999). The legal proceedings on economic disputes are regulated by the *Code of Commercial Procedure* of the Republic of Belarus (December 15, 1998). The *Criminal Code* and the *Code of Criminal Procedure* were implemented in 1999, and the *Administrative Code* in 1984.

The Judicial System

The system of courts in Belarus is based on territorial principle and specialization.

The Supreme Court carries out justice and supervision of activity of general courts of the Republic.

The economic courts carry out justice in the field of the economic relations with the purposes of protection of the rights and interests of the corporations and individuals.

The constitutional control is carried out by *the Constitutional Court*. The legal acts or their separate provisions considered unconstitutional, lose force in the pyramid of order determined by the law.

The supreme body of self-management of the judges of the country is the *Congress of the Judges*, which is convoked not less often than once every four years.

Lawyers and public advocacy groups provide legal help to the citizens and organizations. A lawyer can exercise his activity in the legal field only being a *Bar Association* member and by obtaining a license.

The main law-enforcement institute in Belarus is the *State Prosecutor Office*. It executes the control of legality and the control of conformity to the law of the judicial decisions on civil, criminal and other cases.

The Committee of the State Control carries out the control of execution of the republican budget, the use of state property, the execution of the acts of the President, the parliament and the government which are regulating financial and tax relations.

Legal Documentation

The National Centre of the Legal Information (NCLI) is the state institute that published the official legal documentation of the Republic of Belarus, both in printed and in an electronic form. According to the Decree of the President, "About the order of distribution of the legal information in the Republic of Belarus," the activity on distribution of the legal information is rigidly regulated and supervised. All commercial publishing houses and private firms that publish on Internet commercial legal databases must have a license and publish information obtained only from an official source.

The official printed edition in which Decrees and Edicts of the President, the laws of the Republic of Belarus, decisions of government, ministries and departments, local bodies of authority are published is the *National Register of the Legal Acts of the Republic of Belarus*, published by the National Centre of the Legal Information weekly. The official publications of all codes are also published by the NCLI. An electronic official version of the national laws available via the *ETALON Belarus Legislation Database*. Under the contract with this institute, the official electronic versions of the documents are also published by other commercial legal databases: *JUSIAS*, *Konsultant* and *Yurexpert*.

The Legal documents are published also in the official republican gazettes (5 times per week):

- *"Sovietskaya Byelorussia"*
- *"Zvyazda"*
- *"Narodnaya gazeta"*
- *"Respublika"*

The republican quarterly scientific, a practical journal for the lawyers, *"Justice of Belarus,"* is founded by the Ministry of Justice. Some legal and information agencies issue journals of a practical orientation, such as *"Lawyer"* and *"The Industrial-Trade Law."*

Court decisions, explanations of Plenums of the Supreme Court and the Supreme Economic Court and legal acts of the Constitutional Court can be found in bulletins issued by the above legal bodies.

Internet Resources

The legislation of Belarus can be found on the Internet on the official site of *NCLI*: <http://ncpi.gov.by> (in Russian), and <http://ncpi.gov.by/eng/indexeng.htm> (in English).

The Internet version of the *ETALON Belarus Legislation Database* provides access to the actual Belarusian legislation. You can search under the date of acceptance, number of the act, etc. Search by topic or keywords is not provided.

There is an electronic version of the [National Register of the Legal Acts of the Republic of Belarus](#), but not as a full-text version. There is only the contents of the journal and a full-text version of the Collection of the Actual Legal Acts of the President of the Republic of Belarus for 1994-2000.

A section titled [Actual Information About Laws in Force](#) also contains the complete texts of legal documents.

ETALON Belarus Legislation Database contains the documents in Russian. The most important laws of the Republic of Belarus are translated into English and are allocated in another database.

The database of information-legal agency [Registr](#) provides various and useful information. Another database with text of the actual legal acts is *JUSIAS*. The search can be carried out to more of the essential elements, than on *ETALON Database*, but also there is no thematic search.

The operative legal information is given not only about Belarus, but also about the countries of CIS. It is necessary to say many laws of other countries are published here in English as well as in native languages. The site consists of good enough links and important address information about legal firms, consultations and addresses of economic courts of the Republic of Belarus.

[The Belarusian portal](#) allows searches of the laws of Belarus in the same Internet version as the database *JUSIAS*, on the site <http://www.iparegistr.com>. In the Legal News section there are summaries of articles from the Belarusian newspapers and journals.

The Belarusian legislation in the field of the [intellectual property](#) provides addresses both to advertising of patent offices and legal firms working in this area. Besides there is a section Belarusian Law Online with other laws in English and Russian.

www.belarus.net is the Belarusian World Wide Web server for business professionals around the world. There is a special collection for business professionals in English that also includes the following topics:

- Government of Belarus
- Business
- Legal
- Service
- Mass Media
- News