



[Entry page](#) | [Basic provisions](#) | [Historical background](#)

## Historical Background of the Finnish Legal System

When the Finnish Parliament adopted the Declaration of the Independence of Finland on 6 December 1917, the new state already had a rich national culture and centuries of experience in managing its own affairs. The makings of an independent nation derived partly from the times of Swedish rule (from the 12th Century until 1809) and especially from the period when Finland was an autonomous Grand Duchy of the Russian Empire (from 1809 until 1917).

### The Western Influences

For 700 years Finland was a Province of the Kingdom of Sweden, equal in status to any other Swedish Province. This common history is the basis of the similarities between the Finnish and Swedish societies - similarities that can be seen as well in the culture as in the political and legal structures. Swedish continues to be an official language in Finland, in addition to Finnish, even though native Swedish speakers now comprise only six per cent of the population. All legislation is published simultaneously in both languages.

The common legal heritage can be seen e.g. in the introductions to the Finnish and Swedish lawbooks, both of which still contain the ethical and judicial rules for judges compiled in the 16th Century by Olaus Petri, a Swedish clergyman and legal scholar. Furthermore, certain parts of the codification of laws completed in the Kingdom of Sweden in 1734, the first of its kind in Europe, have remained in force in Finland for over 250 years.

In addition to the western neighbour, also Central Europe and especially Germany were an early influence in the development of Finnish learning. Since 1640 Finland had a University of its own in Turku, with extensive links to a number of German and French Universities.

In Sweden, the first enacted codes were compiled already in the Middle Ages, separately for the towns and for the general law of the realm. The country had also two types of general lower courts: the Town Courts, which were based on a German model and operated in connection with the Town Councils, and the Rural District Courts. In Finland, the dual court system survived until 1993, when a unified system of lower courts was set up throughout the country. These came to be called District Courts.

The establishment in the 17th Century of the Courts of Appeal, which were meant to be the supreme judicial authorities in the country, signalled the birth of the Swedish-Finnish judiciary, even if the King in Council was vested with the supreme authority until 1789. The Svea Court of Appeal, in Stockholm, was established in 1614, and the Turku Court of Appeal in 1623. The jurisdiction of the latter covered all of Finland. The Supreme Court of Sweden - and of Finland - was established in 1789.

The separation of administrative matters and general legal affairs began on the local level as early as in the 17th Century. The County Governments, which had been set up as the general administrative authorities of the State, were empowered to hear also appeals against the decisions of the local authorities. The beginning of County administration saw also the beginning of the development of the Prison Service.

The first advocates appeared in Sweden and Finland in the beginning of the 17th Century.

### The Eastern Connection

Finland's constitutional ties with Sweden were severed in 1809, when Finland in connection with the Napoleonic wars was annexed by the Russian Empire. In spite of this, Swedish laws and the underlying legal system continued to apply in Finland - a rare and exceptional situation also in a global framework.

Over a century as an autonomous Grand Duchy was for Finland the first real step towards independence. The government and administrative machinery were created, Finland got its own representative assembly and its own currency, system of education and judiciary. The supreme administrative authority of Finland, the Senate, was also the supreme judicial authority in civil and criminal cases. The financial section of the Senate acted as the Government of Finland and the legal section as the Supreme Court. The financial section heard also appeals in administrative matters.

When the Czar gave his consent to the convocation of the Finnish representative assembly, in 1863, a time of busy social and legal development in Finland could begin. That time lasted for the remainder of the century. The reforms included e.g. an extensive programme for the construction of new prisons and the establishment of the Board of Prison Administration, in 1881.

The reform work was, however, cut short by the harsher policies of the Russian regime. The last major reform took place in 1906, when the representative assembly of four Estates, which derived already from the times of Swedish rule, was superseded by a new unicameral Parliament of 200 Representatives, at the time one of the most modern in terms of organisation and breadth of representation. The suffrage was universal; Finnish women were the second in the world to receive the vote and the first in the world to have the right to run for office.

## The Legacy - the Rule of Law

The 'russification period', as it became to be known, lasted until 1917. The attempts at oppression were countered in Finland with a steadfast reliance on the law and the rule of law. Those times further intensified the spirit of the rule of law that has been the legacy of Finnish and Scandinavian legal thinking since the Middle Ages - and remains so even today. The saying "Maa on lailla rakennettava" (By law shall this country be built) crystallises one of the basic principles of Finnish history. It is there also in the Constitution, according to which "there shall be strict compliance with the law in all official functions."

The Russian revolution made the independence of Finland finally possible. In 1919 a republican Constitution was framed, with the President of the Republic as the head of state. The President is elected by popular vote; if necessary, there are two rounds of voting, so that the two candidates with the most votes in the first round stand against each other in the second. The President's term in office is six years. A person cannot be elected for more than two consecutive terms. The Parliamentary term is four years.

The Supreme Court and the Supreme Administrative Court were established in 1918. As already noted, administrative judicial proceedings have in Finland been organised in a separate hierarchy of courts. The general courts for this purpose, the County Administrative Courts, were established as sections of the County Governments in 1955; they became also formally separate and independent entities in 1989.

After World War II the development of legislation was marked by the change of Finland from an agrarian nation into an industrialised one. The 1960's were a time of intensive co-operation between the Nordic Countries; as a result there is a body of laws that are virtually identical in Finland and in Sweden.

Similar legislation has been passed also as a result of economic co-operation and integration and common goals in the European Economic Area. It can be seen that Finnish laws and Finnish legal thinking clearly have their roots in Europe. In addition, the European Human Rights Convention has been directly applicable in Finland since 1990.

In 1995 Finland acceded to the European Union. This has naturally brought new elements into the Finnish legal system, but as a Member State of the EU Finland of course is able to participate in the enactment of new European legislation. The Finnish judiciary now applies not only Finnish, but also European law.