



24 INTRODUCTION TO CAMBODIAN LAW

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SUMMARY: I. Introduction II. Legislative System
III. Legislative Procedures IV. Main Laws in Cambodia
V. Bibliography

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I. INTRODUCTION

Cambodia was under French colonization from 1863 to 1953. The French legal system has deeply influenced the Cambodian legal system. Since the liberation from French in 1953, Cambodia was prosperous until 1970. Since then Cambodia remarkably declined as a result of the Cambodian Civil War from 1970 to 1993 under various regimes, such as the Khmer Republic extending from 1970 to 1975, the Democratic Kampuchea from 1975 to 1979, the People's Republic of Cambodia from 1979 to 1993,¹ and the Kingdom of Cambodia from 1993 until the present time. The full peaceful nation was brought throughout the country in 1998 with the end of the administration of Khmer Rouge rebels. The legal system has been revitalized since Cambodia became a democratic country in September 1993, resulting from the first election in May 1993.

The main purpose of this article is to provide an overview of the current Cambodian legal system. The technical assistance for making the four codes is also described.

¹ In 1989, the People's Republic of Cambodia was named the State of Cambodia under the amendment of the 1981 Constitution in 1989. Only the country's name was changed, the others remained the same.

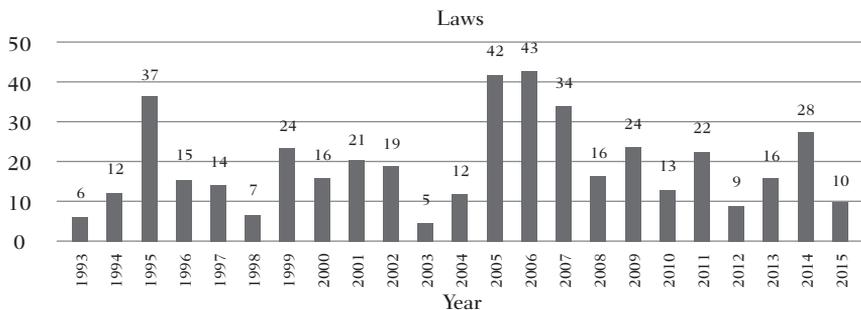
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II. LEGISLATIVE SYSTEM

OVERVIEW

Law in the narrow sense is required to be adopted by the legislative body and promulgated by the head of the state under the name ‘royal code,’ in Khmer *Preah Reachkram*. In this article, law refers to the royal code. Since 1993, Cambodia has been a constitutional monarchy where the king is the head of the state, reigns over the country, but has no power.² In order for a law to take effect, the draft law is sent to the National Assembly for adoption, the Senate for approval and the head of the state for promulgation. In the broad sense, law includes any legal regulation signed by the head of the state, the prime minister and ministers. An excerpt from the Royal Gazette of Cambodia shows that between 1993 to September 2015, 445 laws have been promulgated. The figure below shows the number of laws promulgated by year.

FIGURE 1. THE LAWS PROMULGATED BY YEAR FROM SEPTEMBER 1993 TO SEPTEMBER 2015.



SOURCE: Advocacy and Policy Institute, *Report on Legal Review on Cambodian Laws and Sub-decrees* (Phnom Penh, 2010 & Cambodian Royal Gazettes 2010-2015)

The Cambodian Constitution is the supreme law of the land. Law must not contradict the Constitution or it is declared unconstitutional. The Constitutional Council³ has the authority to check the constitutionality of a law. Typically, all organic laws must be sent to the Constitutional Council which examines the constitutionality of the law. Remarkably, all treaties and international conventions must be ratified to have effect in the Cambodian legal system.⁴ The government is required to send treaties and international conventions to the National Assembly for adoption, the Senate for approval, and

2 The Constitution of Cambodia in 1993, Art. 7(1), (hereinafter called the 1993 Cambodian Constitution).

3 The Constitutional Council consists of nine members who serve for nine year terms, in which three members are appointed by the National Assembly, three members by the government, and the other three members by the king. Three members are rotated every three years.

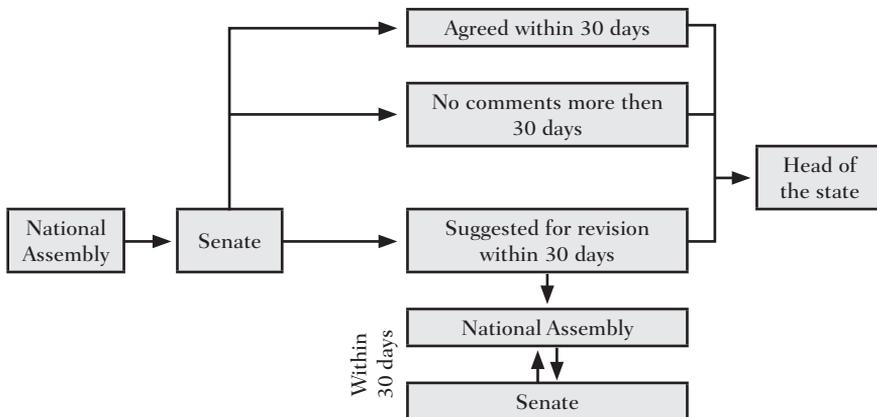
4 The 1993 Cambodian Constitution, Art. 26.

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the head of the state for promulgation. Therefore, ratified treaties and international conventions are equivalent to law as discussed in this article. Similarly to treaties and international conventions, it is required for law to pass by the National Assembly, be approved by the Senate, and signed by the head of state.⁵

It should be noted that the Senate of Cambodia came into creation as a result of political compromise. The Senate, with legislative powers, was established in 1999 following the political deadlock arising from the 1998 national election which was self-run by Cambodia. The Senate reviews and comments on draft or proposed laws sent by the National Assembly. The figure below shows how draft or proposed laws go from the National Assembly to the Senate, and on to promulgation.

FIGURE 2. THE PROCESS OF HOW THE SENATE REVIEWS THE ADOPTED LAW FROM THE NATIONAL ASSEMBLY



SOURCE: Created by the author

Unlike the legal systems of other countries including the Korean legal system, the Supreme Court of Cambodia has no authority to check the constitutionality of the law and other legal regulations. The Supreme Court is the highest court to review questions of law on the first appeal, and both questions of law and of fact on the second appeal from the appellate court. The judgment of the Supreme Court is the final decision.

Interestingly, the Cambodian Constitution requires internal rules of the National Assembly and Senate, and organic laws be reviewed by the Constitutional Council. However, the period of the review is within 30 days.⁶ It is noted that only the Constitutional Council has “the competence to guarantee

⁵ The 1993 Cambodian Constitution, Art. 28-New.

⁶ The 1993 Cambodian Constitution, Art. 140-New.

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the respect of the Constitution, to interpret the Constitution and the Laws adopted by the National Assembly and definitively reviewed by the Senate.”⁷

CATEGORIES OF THE STATUTES CONSTITUTION

As mentioned earlier, the Constitution is the supreme law in the Cambodian legal system. It stipulates principle elements of how an independent state works. The 1993 Constitution includes provisions concerning the King, fundamental rights of Cambodian citizens, political rights, the political system, the economic system, the legislative body, the executive body, and judicial power. According to the 1993 Constitution, Cambodia is under a constitutional monarchy.

Historically, Cambodia has come under vastly different constitutions, producing numerous hard regimes. The first constitution was available in 1947, while Cambodia was still under French colonial rule. Despite independence in 1953, the 1947 Constitution continued to survive until the *coup d'état* in 1970. The second constitution then became available in 1972 under the Khmer Republic from 1970 to 1975. The constitution was upheld in 1976 under the Democratic Kampuchea known as the Khmer Rouge regime from 1975 to 1979, the most difficult and painful period in Cambodia, where the intelligentsia were subject to be killed. After the collapse of the Khmer Rouge regime in 1979, Cambodia became the People’s Republic of Cambodia, where the constitution was adopted in 1981. The amendment of the 1981 Constitution in 1989 named Cambodia “the State of Cambodia” from 1989 to 1993. Finally, as the result of strong support from the United Nations, Cambodia has enjoyed the current constitution since 1993. The table below shows the change in regime and the date of the availability of the various constitutions.

TABLE 1. CHRONOLOGICAL ORDER OF THE EXISTENCE OF THE DIFFERENT CONSTITUTIONS, WITH THE RESPECTIVE REGIME.

NO.	YEAR	NAMES OF REGIMES	DATE OF CONSTITUTIONAL EXISTENCE
1	1947-1970	The Kingdom of Cambodia	May 6, 1947
2	1970-1975	The Khmer Republic	June 10, 1972
3	1975-1979	The Democratic Kampuchea	January 5, 1976
4	1979-1989	The People’s Republic of Kampuchea	June 27, 1981
	1989-1993	The State of Cambodia ⁸	April 30, 1989
5	1993-Now	The Kingdom of Cambodia	September 24, 1993

SOURCE: Created by the author

⁷ The 1993 Cambodian Constitution, Art. 136-New.

⁸ The change extended to the name of the country only; the regime remained the same.

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The current 1993 Constitution however, has faced many challenges. Different interpretations among politicians has led to many amendments, thereby making the Constitution a ‘soft’ constitution. So far, the Constitution has been amended ninth times, as attempts to resolve political deadlock after each general election. However, constitutional amendments do not ensure the prevention of future political deadlock. The table below shows the dates that the National Assembly adopted amendments to the Constitution, and the date of promulgation by the head of the state.

TABLE 2. DATE OF ADOPTION AND PROMULGATION OF THE CONSTITUTION

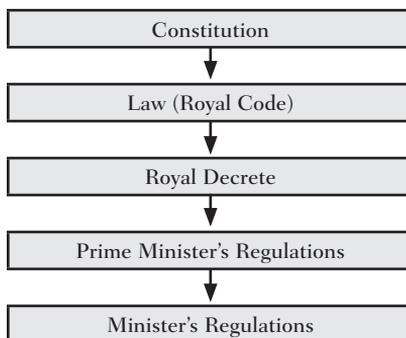
NUMBER OF AMENDMENT	DATE OF THE ADOPTION BY THE NATIONAL ASSEMBLY	DATE OF PROMULGATION BY THE HEAD OF THE STATE
1	July 14, 1994	July 14, 1994
2	March 4, 1994	August 8, 1999
3	July 2, 2001	July 28, 2001
4	July 8, 2004	July 8, 2004
5	May 18, 2005	June 19, 2005
6	March 6, 2006	March 9, 2006
7	January 15, 2008	February 15, 2008
8	October 1, 2014	October 23, 2014
9	February 14, 2018	February 27, 2018

SOURCE: Created by the author

The hierarchy of law in Cambodia reflects that the Constitution is the highest law, meaning that all other laws must comply with it. All legal regulations issued by the prime minister are required to follow the law, while ministerial regulations issued by ministers must follow the prime minister’s legal regulations. The figure below demonstrates the hierarchy of Cambodian law.

The head of state plays a crucial role in promulgating the law. It should be noted that when the king is absent, the acting head of state is the president of the Senate. When the president of the Senate cannot act as the acting head of state due to reasons such as absence from the country, serious sickness or death, the president of the National Assembly becomes the acting head of the state. Table 3 shows the head of state and possible acting heads of state.

FIGURE 3. HIERARCHY OF LAW AND OTHER LEGAL REGULATIONS IN THE CAMBODIAN LEGAL SYSTEM



SOURCE: Created by the author

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TABLE 3. HEAD OF STATE AND POSSIBLE HEADS OF STATE

NO.	HEAD OF STATE AND POSSIBLE ACTING HEAD OF STATE
1	King
2	President of the Senate
3	President of the National Assembly
4	First Vice President of Senate
5	First Vice President of the National Assembly
6	Second Vice President of the Senate
7	Second Vice President of the National Assembly

SOURCE: Created by the author based on Cambodian Constitution, Art. 11-new

LAW

Laws, in Khmer *chbab* in the narrow sense are legal norms requiring adoption by the legislative body and promulgation by the head of the state. A promulgated law is called a royal code, in Khmer *preah reachkram*. Interestingly, the Cambodian Constitution stipulates clearly the timeframe in which each law comes into effect. Generally, the law comes into effect ten days after the date of promulgation in Phnom Penh, and twenty days throughout the country. However, in the case of immediate promulgation, the law comes into effect soon after the date of promulgation.⁹ The table below shows the timeframe in which promulgated law comes into effect.

TABLE 4. THE DATE SHOWING THE EFFECT OF LAW AFTER THE PROMULGATION DAY

DESCRIPTION IF THE LAST ARTICLE SAYS:	THE DATE THAT THE LAW COMES INTO EFFECT	
	IN PHNOM PENH	IN PROVINCES
Any provisions contradictory to this law shall be repealed.	10 days after the date of promulgation	20 days after the date of promulgation
This law shall be promulgated immediately	Soon after the date of promulgation	

SOURCE: Created by the author based on Cambodian Constitution, Art. 93-new

For example, the Law on Association and Non-Government Organizations which was promulgated on August 12, 2015 came effect in Phnom Penh on August 23, 2015, and in the provinces on September 2, 2015 because Article 39 (the last article) states that “any provisions contradictory to this law shall be repealed.” However, the Law on Trade Union which was promulgated on June 17, 2016 came into effect June 18, 2016 because Article 100 (the last article) states that “this law shall be promulgated immediately.”

⁹ The 1993 Cambodian Constitution, Art. 93-New.

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ROYAL DECREE

A royal decree, in Khmer *preah reachkret* is known as a legal regulation, ranking below the law in the hierarchy. The king signs the decree after submission by the Council of Ministers.¹⁰ Royal decrees are typically divided into two types. One type is for appointing, transferring, and dismissing high ranking officers in the civil service, military, judiciary,¹¹ and council of ministers;¹² the other type is executive ordinances. The latter depends on any specific law, which may require the royal decree to enforce the law. The royal decree ranks above the sub-decree, which is signed by the prime minister.

OTHER LEGAL REGULATIONS

OVERVIEW

The Cambodian Constitution does not mention legal regulations issued by the prime minister or ministers. However, the Law on the Functioning and Organization of the Royal Government refers to the sub-decree, which can be issued by the prime minister. The law stipulates that “the Prime Minister shall appoint, transfer and dismiss by sub-decree, high ranking officers, civil servants, military, members of diplomatic corps, deputy governors of provinces and municipalities, and district governors who are not specified in Article 14, except for the officers who are stipulated in Article 28 of this law.”¹³ The sub-decree ranks below the royal decree and the law. Beside the sub-decree, the prime minister has authority to issue declarations, decisions, circulars, and orders. Similarly, ministers have the authority to issue proclamations, circulars, decisions, and notifications. The ministerial regulations must comply with the prime minister’s legal regulations as shown in figure 3 above.

SUB-DECREE AND OTHER LEGAL REGULATIONS OF THE PRIME MINISTER

A sub-decree, in Khmer *anukret* is known as a legal regulation under the hierarchy of law and royal decree. The sub-decree is divided into two types, the appointing sub-decree and the executive sub-decree. The appointing sub-decree allows the prime minister to appoint elite or civil servants to serve at any post in administrative affairs, while the executive sub-decree deals with other matters necessary to enforce the law.

In addition to the sub-decree, the prime minister issues decisions, in Khmer *sechkdey samrach* which is used to decide any matter under his own regulatory power. The Constitution does not mention the decision issued by

10 The 1993 Cambodian Constitution, Art. 28-New.

11 The 1993 Cambodian Constitution, Art. 21 & Law on the Functioning and Organization of the Council of Ministers, No. 02NS94, July 20, 1994, Art. 14.

12 The 1993 Cambodian Constitution, Art. 119.

13 Law on the Functioning and Organization of the Council of Ministers, No. 02NS94, July 20, 1994, Art. 16.

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the prime minister. However, Article 13 of Law on the Functioning and Organization of the Council of Ministers briefly mentions the decision issued by the prime minister. Government decision as defined in 2013 is “a legal regulation in the form and content of a government action which is used for nonpermanent scope and status.”¹⁴

Moreover, the prime minister can also issue a circular, in Khmer *sarachar* which is needed to further explain or clarify any matters under his authority. Generally, the circular is “a legal regulation which clarifies the legal content, explains and interprets legal regulations higher in the hierarchy, or raises more instructive measures and work activities in order that lower rank civil servants may implement.”¹⁵

There is no definition of a circular issued by the prime minister. The prime minister can also issue an order, in Khmer *bodbanhchea*. There is no law mentioned with regards to orders. However, in actual practice, an order is issued to deal with particular cases.

MINISTERIAL REGULATIONS

Ministers are entitled to issue a proclamation, in Khmer *prakas* which is the legal regulation under the sub-decree, and other government legal regulations.¹⁶ The proclamation cannot go beyond the authority of the ministry where the proclamation is made. The structural organization and functioning of the ministries and state secretariat from the department below requires to be issued by the proclamation.¹⁷ Ministers have the authority to issue circulars. A circular is a text explaining any particular relevant affairs and providing instruction.¹⁸ The proclamation cannot conflict with sub-decrees and other government regulations. Notification, in Khmer *sechkdey choundamnoeng* is another form of legal regulation issued by ministers under their own administrative authority. It covers any particular case but cannot go beyond the sub-decree and other legal regulations. Ministers can also decide any special matters by use of a decision. The decision may not conflict with the proclamation.

14 Office of the Council of Minister, *Guideline on the Procedures and Rules of Preparing Draft Laws and Other Legal Regulations* (May 10, 2013), 93.

15 Office of the Council of Minister, *Guideline on the Procedures and Rules of Preparing Draft Laws and Other Legal Regulations* (May 10, 2013), 99.

16 Law on the Functioning and Organization of the Council of Ministers, No. 02NS94, July 20, 1994, Art. 29.

17 Law on the Functioning and Organization of the Council of Ministers, No. 02NS94, July 20, 1994, Art. 30.

18 Law on the Functioning and Organization of the Council of Ministers, No. 02NS94, July 20, 1994, Art. 29.

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PROVINCIAL LEGAL REGULATIONS

The provincial governor has the authority to issue warrants, in Khmer *deika*. It must be used within the geographical limit of the provinces. The warrant cannot conflict with law, royal decree, sub-decree, and government as well as ministerial legal regulations.

III. LEGISLATIVE PROCEDURES

OVERVIEW

This section elaborates on law making procedures, both in the narrow and broad sense. In the narrow sense, the draft law or proposed law is required to be adopted by the National Assembly, approved by the Senate, and then promulgated by the head of the state. It should be noted that the Senate has only been in existence since 1999, while the National Assembly has been in existence since 1993. For the timeframe in which the law comes into effect, please see Table 4 above.

In the broad sense, laws include laws in the narrow sense and any other legal regulations issued by the head of state, prime minister, ministers, and others. The date that government legal regulations come into effect is the date of signature. This also applies to any legal regulations which are lower in the hierarchy.

It should be noted that the Cambodian Constitution entitles the National Assembly, the Senate, and prime minister to initiate the law.¹⁹

LEGISLATIVE PROCEDURES

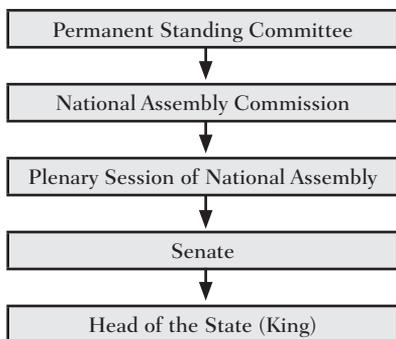
LAW DRAFTED BY THE LEGISLATIVE BODY

Theoretically, members of the National Assembly have the authority to draft law. In this regard, the Permanent Standing Committee of the National Assembly plays a role in drafting the law. The draft law is sent to the National Assembly Commission for review. When the National Assembly Commission completes the review, the draft law will be discussed in the plenary session of the National Assembly. Subsequently, it will be sent to the Senate for review and approval. After approval from the Senate, the law will be promulgated by the head of state. Noticeably, the National Assembly rarely drafts laws. To name one rare case, the Law on Monogamy promulgated in 2006 was drafted by the National Assembly. Figure 4 below shows a simplified legislative process through the National Assembly.

¹⁹ The 1993 Cambodian Constitution, Art. 91-New.

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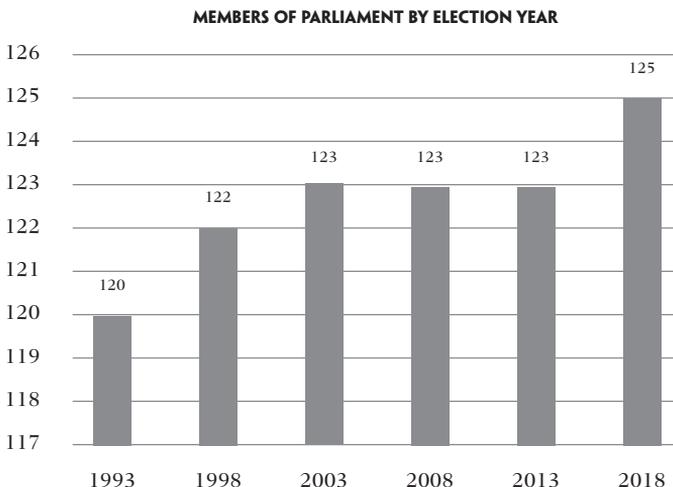
FIGURE 4. THE PROCESS OF MAKING LAW VIA THE NATIONAL ASSEMBLY



SOURCE: Created by the author

Since the creation of coalition government in 1993, the number of national assembly members has slightly increased from 120 in 1993 to 122 in 1998. From 2003 to 2013, this number has increased to 123 and lastly to 125 in 2018. The national assembly has 5-year mandate. The figure below shows changes in number of national assembly members from 1993 to the current one.

FIGURE 5. NUMBER OF NATIONAL ASSEMBLY MEMBERS OF CAMBODIA FROM 1993

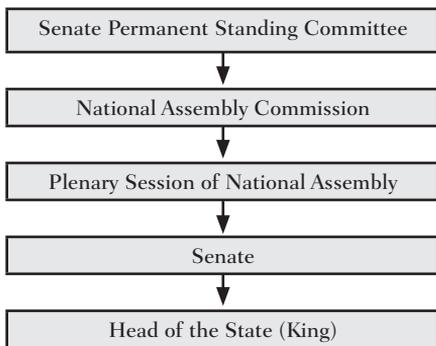


SOURCE: Created by the author

The Cambodian Constitution allows the Senate to draft law. First, the Senate Permanent Standing Committee drafts the law and then sends the draft to the National Assembly Commission. The process is the same as the legislative process for law drafted by the National Assembly, above. So far, the Senate has not drafted any law and has always approved laws sent by the National Assembly. Figure 5 below shows a simplified legislative process through the Senate.

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FIGURE 6. THE PROCESS OF MAKING LAW VIA THE SENATE



SOURCE: Created by the author

the senate was created under the political compromise during the political deadlock after the national election in 1998. Generally, the senate has 6 year mandate where the members can be from members of political parties, 2 members appointed by national assembly and 2 members appointed by king. Only the first mandate, all members were appointed by the members of political parties who won seats in the national assembly. Since the second mandate, members of senate must be elected among people representatives via national assembly members and commune, district and provincial councils. Table bellow lists the number of senate members from the establishment in 1999 until now.

TABLE 5. THE TOTAL SENATE MEMBERS STARTING FROM 1999 TO THE CURRENT MANDATE

YEAR OF MANDATE	SENATE MEMBERS	MEMEBERS FROM POLITICAL PARTIES	MEMBERS FROM NATIONAL ASSEMBLY	MEMBERS APPOINTED BY KING	YEAR OF ELECTION
1999-2006	61	61			
2006-2012	61	57	2	2	Jan. 22, 2006
2012-2018	61	57	2	2	Jan. 29, 2012
2018-2024	62	58	2	2	Feb. 25, 2018

SOURCE: Senate of the Kingdom of Cambodia, <https://senate.gov.kh>

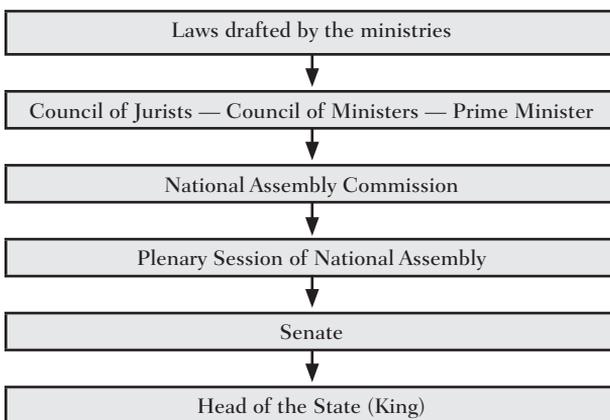
LAWS PROPOSED BY THE EXECUTIVE BODY

The prime minister plays a crucial role in proposing draft law. Usually, the relevant ministries draft a law via general and technical departments. When the draft law is discussed and approved internally, it will be sent to the Council of Jurists for another discussion. After that, the draft law will be discussed by the Council of Ministers. Draft law which has been approved by the Council of Ministers is signed by the prime minister and sent to the National Assembly. The National Assembly Commission reviews the draft law and may request any changes if necessary. Following review by the National Assembly Commission, the draft law will be sent to the National Assembly for the plenary session discussion of adoption. The adoption of

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the law generally requires an absolute majority of the votes by the attending members of the National Assembly, except for an amendment of the constitution, which requires a two-thirds vote of the National Assembly members. Following adoption by the National Assembly, the draft law will be reviewed and ratified by the Senate. Lastly, the head of state signs the law. Figure 6 below shows the legislative process through the prime minister.

FIGURE 7. THE PROCESS OF MAKING LAW VIA THE PRIME MINISTER



SOURCE: Created by the author

LEGAL REGULATIONS ISSUED BY THE EXECUTIVE BODY

In Cambodia, the executive branch has full authority to issue any legal regulations. This sub-section shows how legal regulations issued by the prime minister and ministers are prepared under the Cambodian legal system.

With regard to government legal regulations or prime minister's legal regulations, the relevant ministry drafts legal regulations. In cases where the legal regulation relates to various ministries, the draft of the legal regulation is required to be discussed with inter-ministries. When a legal regulation is finally discussed and approved among those in the ministry, the minister then sends the draft legal regulation to the Council of Jurists for review. After review by the Council of Jurists, the draft legal regulation is discussed by the Council of Ministers. The approval of the legal regulation by the Council of Ministers will be signed by the prime minister, and the legal regulation comes into effect on the date of signature of the prime minister. The figure below shows the process of making a sub-decree and other government legal regulation.

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FIGURE 8. THE PROCESS OF MAKING A SUB-DECREE AND OTHER LEGAL REGULATIONS

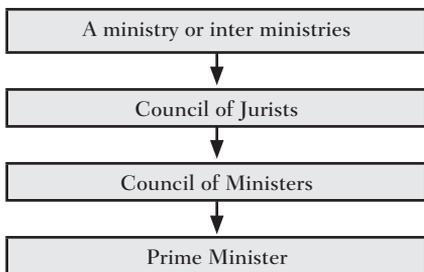
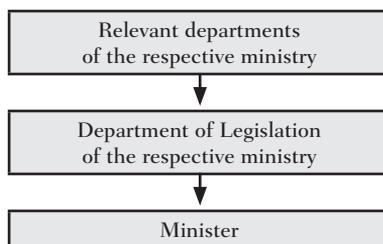


FIGURE 9. THE PROCESS OF MAKING MINISTERIAL LEGAL REGULATIONS

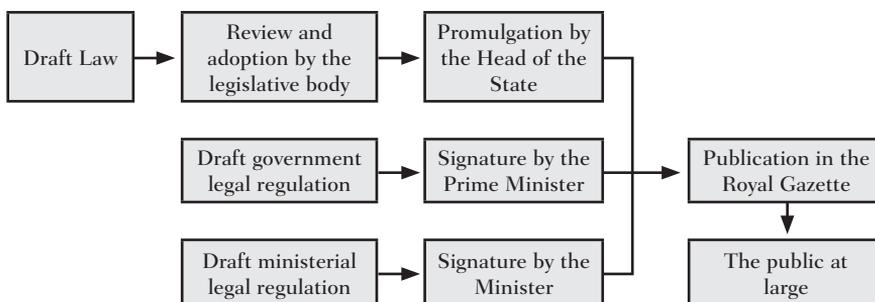


SOURCE: Created by the author

As for ministerial legal regulations, the relevant departments draft a legal regulation followed by discussion by the Department of Legislation of the respective ministry. The approval of the discussion will be submitted to the minister for signing. It then becomes an effective ministerial legal regulation. The figure below describes process of making ministerial legal regulations.

It should be noted that laws, government legal regulations, and ministerial legal regulations are required to be published in the Royal Gazette.²⁰ The figure below simply elaborates on the process of publication of laws and other legal regulations.

FIGURE 10. FLOW OF LAW AND LEGAL REGULATIONS FROM DRAFT TO PUBLICATION



SOURCE: Created by the author

IV. MAIN LAWS IN CAMBODIA

OVERVIEW

The primary sources of law in Cambodia are the Constitution of Cambodia, the Civil Code, the Criminal Code, the Code of Civil Procedure, and the Code of Criminal Procedure. These sources have become available recently,

²⁰ The 1993 Cambodian Constitution, Art. 93-New.

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as a result of political reconciliation in 1993. It should be noted that the French government provided technical support in the drafting of the Criminal Code and the Code of Criminal Procedure, while the Japanese government provided full support in the drafting of the Civil Code and the Code of Civil Procedure together with ancillary laws, as well as in the training and disseminating of the two laws and relevant legal regulations.

CONSTITUTION

The current Constitution of Cambodia was signed into law on September 24, 1993 following the election which took place in May of the same year. The first existing constitution consists of sixteen chapters with 139 articles. After eight constitutional amendments, the number of chapters increased to sixteen chapters with 158 articles. To attempt to amend the constitution is to attempt to resolve the political deadlock.

It should be noted that the Constitution was drafted with the purpose of attaining political compromise. The representatives of all winning parties sat down and discussed the crucial parts for inclusion in the Constitution. For example, the Constitution forbids any amendments which affect the constitutional monarchy.²¹

CIVIL CODE

The current Civil Code of Cambodia was promulgated on December 8, 2007 with the full support and assistance of the Japanese government starting in 1999. It is primarily rooted in the Japanese Civil Code. Japanese experts were invited to Cambodia to hold discussions and work with their Cambodian counterparts, who were in turn invited to Japan to learn about the legal system and real practice of the Japanese Civil Code, and other relevant laws and legal regulations. Although the Civil Code was promulgated in 2007, more time is required for the application of the Code in real practice.

The Civil Code consists of nine books and 1305 articles. Book One deals with general provisions, focusing mainly on general principles of private law. Book Two describes the concept of persons: physical persons and juristic persons. Book Three (nine chapters), refer to real rights. Book Four (nine chapters), stipulates obligations. Book Five (sixteen chapters), refers to particular types of contracts and torts. Book Six (eight chapters), deals with security. Book Seven (eight chapters), describes relatives. Book Eight (eight chapters), refers to succession. Lastly, Book Nine states the final provision which requires other laws to enforce the Civil Code.

²¹ The 1993 Cambodian Constitution, Art. 17.

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In order to implement the Civil Code, a special law is required. It is remarkable that Law on the Civil Code Enforcement was promulgated on May 31, 2011 but its enforcement took place six months later, calculating from the date of effect. Therefore, the Civil Code was applicable on December 21, 2011. Provisions in the specific laws in conflict with those in the Civil Code were repealed by Law on Civil Code Enforcement.

CRIMINAL CODE

The Cambodian Criminal Code was promulgated on November 30, 2009. The French government assisted in drafting this Code. It is noted that although the Code was effective throughout the country on December 21, 2009, only Book One, General Provisions was applied, while the remaining books became effective one year later, on December 21, 2010. It should be noted that the French government drafted the Criminal Code in collaboration with their Cambodian counterparts from 1998 in response to the growing needs of a society which required a comprehensive criminal code in order to combat newly emerging crimes.

The Criminal Code consists of six books with 672 articles. Book One describes the general provisions, while Book Two deals with crimes against persons. Book Three stipulates offenses against property. Book Four refers to offenses against the nation. Book Five lays out provisional provisions. Finally, Book Six ends with final provisions.

CODE OF CIVIL PROCEDURE

The drafting and development of the Code of Civil Procedure, as with the Civil Code, took place under the support of the Japanese Government. The Code was promulgated on July 6, 2006. However, the application of this Code began one year after it took effect. Thus the Code of Civil Procedure was applicable on July 27, 2007.

The Code of Civil Procedure consists of nine books with 588 articles. Book One stipulates the general provisions of Civil Procedure. Book Two mentions procedure of the court of the first instance while Book Three refers to appeals. Book Four deals with retrial. Book Five describes demand procedure. Book Six stipulates compulsory execution. Book Seven lays out preservative dispositions. Book Eight describes transitional provisions. Book Nine ends with final provisions.

CODE OF CRIMINAL PROCEDURE

The Cambodian Code of Criminal Procedure was promulgated on August 10, 2007, the drafting of which took place with the support of the French Government, as with the Criminal Code. Cambodia is indebted to the French

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Government for the Code of Criminal Procedure. The technical cooperation in order to draft the Code of Criminal Procedure started in 1994. Unlike the Code of Civil Procedure, the Code of Criminal Procedure was applicable throughout the country soon after it came into effect on August 31, 2007.

The Code of Criminal Procedure consists of eleven books. Book One discusses criminal and civil actions while Book Two deals with authorities entrusted with prosecution, investigation, and interrogation powers. Book Three refers to policy inquiry. Book Four describes judicial investigation. Book Five lays out judgments. Book Six describes the supreme court. Book Seven discusses citations, summons, and notifications. Book Eight refers to enforcement procedure while Book Nine describes special proceedings. Book Ten deals with transitional procedure. Finally, the Code ends with final provisions.

The table below shows the countries which provided technical assistance for the drafting of the four main codes, the Civil Code, the Code of Criminal Procedure, the Criminal Code, and the Code of Criminal Procedure.

TABLE 6. THE FOUR MAIN CODES WITH THE COUNTRIES PROVIDING TECHNICAL ASSISTANCE

NO.	CODES	DATE OF PROMULGATION	COUNTRY PROVIDING TECHNICAL ASSISTANCE	YEAR OF STARTING COOPERATION
1	Civil Code	Dec. 8, 2007	Japan	1999
2	Code of Civil Procedure	Jul. 6, 2006	Japan	1999
3	Criminal Code	Nov. 11, 2009	France	1998
4	Code of Criminal Procedure	Aug. 10, 2007	France	1994

SOURCE: Created by the author

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