

The Constitution of 2022

Done, signed and put into effect
on March 14th 2022.

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Part I. Rights, Freedoms, and Protection

Article 1. Freedom of Speech, Expression, Thought, Conscience, and Opinion

All persons shall enjoy the freedom of speech, expression, thought, conscience, and opinion.

Article 2. Prohibition of Inhuman Punishment and Indefinite Punishment

No person shall be subjected to cruel, unusual, excessive, inhuman, or degrading treatment or punishment. Nor shall any person be subjected to any punishment for an indefinite period of time.

Article 3. Prohibition of Slavery

Section 1

No person shall be held in slavery or servitude.

Section 2

No person shall be required to perform forced or compulsory labor.

Section 3

Forced labor shall not be used as a form of punishment.

Article 4. Right to Liberty

Section 1

No person shall be deprived of their liberty unless authorized by law for the purpose of appearing before a court; for the purpose of preventing imminent danger to other persons; or as a punishment imposed by a court.

Section 2

Any person deprived of their liberty by lawful detention shall be entitled to appear before a court for further lawful proceedings without unnecessary delay. Any person deprived of their liberty by lawful detention shall have the right to have the legality of their detention reviewed by a court without unnecessary delay.

Section 3

Any person lawfully detained shall be informed of the reason for their detention, their lawful rights in detention, and any lawful proceeding they shall be subjected to.

Article 5. Right to a Fair Trial

Section 1

All persons shall be entitled to a fair trial by an independent and fairly selected jury, unless they agree to a fair trial before a judge without a jury in less serious criminal cases.

Section 2

Any person charged with a criminal offense shall be entitled to the right to be represented in court by a counsel. If they are not able to obtain a counsel, one shall be appointed for them by the court free of charge.

Section 3

Any person charged with a criminal offense shall be presumed not guilty until proven otherwise by law.

Article 6. No Punishment without Law

Section 1

No person shall be found guilty or punished for an act that was not criminal at the time of its commission.

Section 2

Any person found guilty or punished for an act which no longer constitutes a criminal offense shall be discharged.

Article 7. Right to Privacy

The private life of a person, their properties, and their correspondence shall be respected and protected.

Article 8. Right to Dignity

All persons shall have inherent dignity and the right to have their dignity respected and protected.

Article 9. Freedom of the Press

The right to report and communicate information and expression through various media shall not be infringed.

Article 10. Freedom of Religion

All persons shall enjoy the right to practice, and not to practice any religion, and to change their religion according to their will.

Article 11. Freedom of Assembly and Association

All persons shall enjoy the right to freedom of peaceful assembly and the right to associate with others.

Article 12. Protection of Property

All persons shall enjoy the lawful right to their properties, and to take any measure to protect their properties as authorized by law.

Article 13. Right to Arms

The right to bear arms shall not be infringed.

Article 14. Right to Democracy

All persons shall have the right to be governed by a democratic government elected by free, fair, and secret elections, in which all citizens having attained the age of 13 shall be able to participate and be qualified.

Article 15. Prohibition of Detention for Debt

No person shall be deprived of their liberty merely on the ground of failure to fulfill a contractual obligation.

Article 16. Freedom of Mobility

All persons within the State shall enjoy the freedom of mobility.

Article 17. Prohibition of Unlawful Expulsion

No citizen, without the proper authorization by law, shall be expelled from the State.

Article 18. Right to Appeal

Any person convicted in a court for a criminal offense shall have the right to have their conviction reviewed by a higher court.

Article 19. Protection against Double Jeopardy

No person shall be tried or punished again for a criminal offense for which they have already been convicted or punished within the jurisdiction of the State.

Article 20. Protection against Discrimination

Section 1

The enjoyment of any right and freedom set forth by these articles and the fair legal process shall be secured without any discrimination on grounds of sex, gender identity, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, physical or mental ability, or other status.

Section 2

No person shall be discriminated on grounds of sex, gender identity, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, physical or mental ability, or other status, or mum.

Article 21. Protection against Unreasonable Detention, Search, and Seizure

No person shall be detained or have their property searched or seized without a warrant issued by a court or probable causes.

Article 22. Right to Citizenship

All persons having attained the age of 13 and satisfying the criteria set forth by the State shall be granted and guaranteed citizenship.

Article 23. Right not to Self-Incriminate

No person shall be compelled to testify against themselves in a court of law, and their refusal to testify shall not be used against them in a criminal trial.

Article 24. Prohibition of Unlawful Evidence

No evidence obtained in violation of any right and protection set forth by these articles shall be admitted in a court of law.

Article 25. Rights, Freedoms, and Protection Only Apply to Natural Persons

Any right, freedom, and protection set forth by these articles shall only apply to natural persons.

Article 26. Right to an Effective Remedy

Any person whose rights and freedoms are violated shall have an effective remedy before a court.

Article 27. Limitation on and Prohibition of Abuse of Rights and Freedoms

Section 1

No right and freedom set forth by these articles shall be exercised in infringement of any right, freedom, and protection of any other person, or while causing imminent danger to any other person or to the public.

Section 2

Certain rights and freedoms may be reasonably restricted by the State with minimal interference for the purpose of protecting juveniles.

Section 3

No act whose aim is to seek the restriction or abolition of any right, freedom, and protection set forth by these articles shall be protected under these articles.

Article 28. Reservation of Ungranted Rights and Privileges

Any right or privilege not yet granted to the State by law shall, by default, be reserved for all persons.

Article 29. Rights, Freedoms, and Protection Set Forth by any Previous Legislation

Nothing in these articles shall be interpreted as repealing or overturning any right, freedom, and protection set forth by any previous legislation.

Article 30. Obligation to Respect and Protect Rights, Freedoms, and Protection

It shall be the obligation of the State to respect, guarantee and protect any right, freedom, and protection set forth by these articles within the jurisdiction of the State.

Part II. Parliament

Article 31. Establishment of Parliament

For the purpose of carrying out legislative powers, there shall be a Parliament.

Article 32. Election of Members of Parliament

Section 1

Every four months, Parliament shall be dissolved and a new parliament shall be elected by the citizens of the State under the system of Single Transferable Vote. The number of seats shall be determined by Parliament to reasonably represent the number of citizens in the State.

Section 2

In the event of a vacancy in Parliament, a new Member of Parliament shall be elected by the citizens of the State at the earliest possible opportunity under the system of Instant Runoff Vote. The Member elected shall serve until the end of that Parliament.

Article 33. Parliament in Session

For any voting that takes place in Parliament to be considered valid, there must be votes cast by at least half of the total number of Members of Parliament.

Article 33.A. Dissolution of Parliament

Section 1

At the end of its maximum term as provided by this Constitution, or when required by any statute regarding elections for the purpose of ensuring fair competition between candidates, Parliament shall be dissolved immediately.

Section 2

Parliament may, by a two-thirds majority, pass a motion of dissolution, and Parliament shall be dissolved immediately.

Section 3

The Head of State shall order that Parliament be dissolved if:

- (a) Parliament fails to appoint a Prime Minister within thirty days since the formation of Parliament or the removal or resignation of the previous Prime Minister; or
- (b) the number of Members of Parliament required for any decision made by Parliament to be considered valid by this Constitution has not been present in Parliament for any business or voting for thirty days or more.

Section 4

After the dissolution of Parliament, a parliamentary election shall be held within twenty-one days after the dissolution.

Article 34. Legislative Power

Parliament shall have the authority to enact any legislation necessary and proper in accordance with these articles to carry out the rule of law in the State. Any legislation shall be enacted when it is approved by a majority of Parliament and signed either by the Head of State or the Prime Minister.

Article 35. Impeachment Power

Section 1

Parliament may, by a three-fourths majority after a trial, remove any person holding any public office from power for committing an impeachable offense, and may, by a two-thirds majority, prohibit that person from holding any public office either indefinitely or not. Impeachable offenses shall include, but not limited to:

- (a) Obstruction of human and civil rights;
- (b) Threat to the existence of the State;
- (c) Free and fair exercise of the judiciary;
- (d) Refusal to comply with the law and court decisions;
- (e) Bribery, corruption, abuse of power; and
- (f) Lack of probity to discharge the powers and duties of the Office.

Section 2

If the person being impeached is part of Parliament, they shall be excluded from voting.

Article 35.A. Motion of No Confidence

Parliament, having lost its confidence in the ability of the Prime Minister to hold their Office, may, by a simple majority, remove the Prime Minister from the Office of the Prime Minister, and a new Prime Minister shall be appointed at the earliest opportunity.

Article 36. Appointment Power

Parliament shall have the power to create, maintain, and disband executive departments and lower courts, and to approve any appointee to those departments or courts.

Article 37. Scrutiny on the Head of State and the Prime Minister

Section 1

Within three days of an executive order being enacted or an administrative action being committed by either the Head of State or the Prime Minister, Parliament shall have the power to overturn an executive order by a two-thirds majority, or an administrative action by a simple majority.

Section 2

Within three days of an act of Parliament being vetoed by either the Head of State or the Prime Minister, Parliament shall have the power to overturn the veto by a three-fourths majority and put that act into effect, after which that act shall not be vetoed again.

Article 38. Diplomatic Power

Parliament shall have the power to establish, maintain, and cease diplomatic relations with foreign states, and to ratify any treaty and convention with any foreign state.

Article 39. Militia Power

Parliament shall have the power to establish, maintain, and disband a militia for the purpose of ensuring peace and self-defense.

Article 40. Police Power

Parliament shall have the power to establish, and maintain a police force for the purpose of ensuring peace through civil law enforcement.

Article 41. Parliamentary Privilege

Any statement made by any Member of Parliament in Parliament shall not be grounds of, or be used in any civil or criminal lawsuit.

Part III. The Head of State and the Prime Minister

Article 42. Establishment of the Office of the Head of State and the Office of the Prime Minister

For the purpose of carrying out executive duties, there shall be the Office of the Head of State and the Office of the Prime Minister.

Article 43. Election of the Head of State

Section 1

Every one year or upon vacancy, the term of the Head of State shall end and a Head of State shall be elected by the citizens of the State by using the Instant Runoff Voting system and requires a two-thirds majority in the final round of counting.

Section 2

Whenever the Office of the Head of State is vacant, the ownership of the guild shall temporarily be held by the Chief Justice, and the Prime Minister shall assume all executive powers and duties until a new Head of State is elected.

Article 44. Appointment of the Prime Minister

Section 1

At the start of each Parliament, a Prime Minister shall be appointed by a simple majority in Parliament.

Section 2

Whenever the Office of the Prime Minister is vacant, all executive powers and duties shall be assumed by the Head of State until Parliament has appointed a new Prime Minister which shall serve until the dissolution of that Parliament.

Article 45. Office Exclusion

No person shall hold the Office of Head of State and Office of the Prime Minister at the same time.

Article 46. Ownership Delegated to the Head of State

The ownership of the guild shall be held by the Head of State for the purpose of ensuring the peaceful transfer of power.

Article 47. Executive Power

The Head of State shall have the power of administrator. The Head of State and the Prime Minister shall have the power to issue executive orders and to commit administrative actions which are proper and necessary to ensure the rule of law of the State. They shall have the power to delegate their power to any executive department.

Article 48. Enforcement of Criminal Laws

The Head of State and the Prime Minister shall have the power to enforce criminal laws and act as prosecutors in a court of law, and to take any necessary action within the limit permitted by law to ensure compliance with criminal laws.

Article 49. Executive Duty

It shall be the duty of the Head of State and the Prime Minister to carry out any action required by an act of Parliament, and to report to Parliament on a regular basis.

Article 50. Approving and Vetoing Legislation

Section 1

Any legislation passed by Parliament shall be approved by either the Head of State or the Prime Minister before being put into effect.

Section 2

Either the Head of State or the Prime Minister shall have the power to veto any legislation passed by Parliament within three days.

Part IV. The Court of Justice

Article 51. Establishment of the Court of Justice

For the purpose of upholding the law, a Court of Justice shall be established.

Article 52. Appointment of the Chief Justice

A Chief Justice heading the Court of Justice shall be appointed by a two-thirds majority by Parliament. The Chief Justice shall serve until removed by reasons of death, illness, or other permanent disabilities, or impeachment, or resignation.

Article 53. Duty of the Chief Justice

The Chief Justice shall have the duty of upholding the law by hearing and deciding cases, interpreting legislation, and granting remedies.

Article 54. Power to Issue Warrants and Court Orders

For the purpose of administering fair justice, the Chief Justice shall have the power to issue warrants to suspend certain rights and freedoms set forth by these articles of an individual, or to issue court orders.

Part V. The Supreme Court

Article 55. Establishment of the Supreme Court

For the purpose of resolving appeals, there shall be a Supreme Court.

Article 56. Composition of the Supreme Court

The Supreme Court shall consist of the Chief Justice and Members of Parliament.

Article 57. Power to Resolve Appeals

The Supreme Court shall have the power to resolve any appeal submitted to it from the Court of Justice or any lower court, or directly submitted to it in special cases.

Article 58. Power to Interpret Legislation and Orders

The Supreme Court shall have the power to interpret these articles and any legislation and order through a majority vote.

Article 59. Power to Uphold the Constitution

The Chief Justice shall have the power to determine and overturn any legislation, executive order, or administrative action that is repugnant to these articles.

Part VI. Public Referendums

Article 60. Referendum to Repeal an Act of Parliament

Within seven days of an Act passed by Parliament being published, a citizen may start a public proposal for a referendum in order to repeal any parts, or sections of, or all of the Act. If the number of approvals from citizens is equal to or above an adequately

determined threshold by Parliament within seven days of the proposal being published, a fair and secret referendum shall be held by the Government within fourteen days of the referendum being approved. The aforementioned Act or parts or sections of the Act shall be repealed if the referendum achieves a three-fourths majority of the votes.

Article 61. Recall Referendum

For committing impeachable offenses such as bribery, corruption, abuse of power, or other serious misconduct, a citizen may start a public proposal for a referendum in order to remove any person from any public office. If the number of approvals from citizens is equal to or above an adequately determined threshold by Parliament within one week of the proposal being published, a fair and secret referendum shall be held by the Government within two weeks of the referendum being approved. The aforementioned person in office shall be removed from office and procedures to select a new officeholder as provided by law shall take place if the referendum achieves a three-fourths majority of the votes.

Part VII. Enactment and Enforcement

Article 62. Enactment

These articles shall be put into effect after it has been unanimously approved by the contemporary legislature, Chief Justice, Head of State, and Prime Minister.

Article 63. Enforcement

These articles shall be the highest law of the State. Any act of Parliament and executive order must not be repugnant to these articles. These articles shall supersede any previous constitution in effect.

Part VIII. Amendment

Article 64. Amendment

Whenever deemed necessary, an amendment shall be made to these articles after it has been approved by Parliament by a three-fourths majority, signed by both the Head

of State and the Prime Minister, and approved by a simple majority in a public referendum.

Part IX. General Provisions

Article 65. The Bayer Free State

The Bayer Free State shall be a parliamentary republic with territory which exists in a guild, referred in these articles as “the State”.

Article 66. Prohibition of War

The State shall not enter a state of war with any other foreign state.

Article 66. Prohibition of State Religion

No religion shall be officially recognized or sponsored by the State.

Article 68. Prohibition of Civilian Law Enforcement by Militia

Unless temporarily and properly authorized by the Head of State or the Prime Minister without objection offered by Parliament in times of crisis, no militia shall be allowed to enforce civilian law on civilians, and no civilians shall be tried by a military tribunal.

Article 69. Previous Legislation

Nothing in these articles shall be interpreted as repealing or overturning any legislation enacted under any previous constitution, unless it obstructs any right, freedom, and protection set forth by these articles, or it is no longer fit for this new system of government set forth by these articles.

Article 70. Inability to Serve

Section 1

Any person holding any public office may declare themselves temporarily unable to discharge the powers and duties of their Office and delegate their powers and duties to another person in writing to Parliament for a period of no more than fourteen days.

Section 2

Persons holding public offices shall be immediately removed from their offices for reasons of death or termination of citizenship.

Section 3

For reasons of death, illness, or other disabilities that may render a person holding any public office unable to discharge the powers and duties of their office, Parliament shall remove them from their office by a two-thirds majority.

Article 71. Exclusion from Courts

Any person directly involved or affected by a lawsuit shall be excluded from making decisions in that trial. Alternate personnel shall be appointed in writing or prepared in advance.

Article 72. Exclusion from Holding Certain Offices

No person shall hold the Office of Chief Justice, or judge of any lower court, and the office of Head of State, Prime Minister, or minister of any executive department at the same time.

Article 73. Resignation

Any person holding any public office may resign their office by sending a letter of resignation to Parliament.

Article 74. Transition from the Previous Constitution

Notwithstanding these articles, the Congress established under the 2021 Constitution of the Bayer Free State shall become and assume the powers and duties of Parliament under these articles until May 1st 2022; the Prime Minister elected under the 2021 Constitution of the Bayer Free State shall become and assume the powers and duties of the Prime Minister under these articles until May 1st 2022; the Head of State appointed under the 2021 Constitution of the Bayer Free State shall become and assume the powers and duties of the Head of State under these articles until June 1st 2022; the Chief Justice appointed under the 2021 Constitution of the Bayer Free State shall become and assume the powers and duties of the Chief Justice under these articles until August 1st 2022. After these dates, Parliament, the Prime Minister, and the

Head of State shall be elected and appointed respectively in accordance with these articles.

In witness whereof, we have approved and set our hands on this document on this fourteenth day of the month of March, in the year two thousand and twenty-two.

The block contains five distinct handwritten signatures in black ink. The top-left signature is a stylized 'K' with a long horizontal stroke extending to the right. The top-right signature is a cursive 'Judy' followed by a large, ornate flourish. The bottom-left signature consists of three 'K' characters, with the first two crossed out by a diagonal line. The bottom-center signature is a large, flowing cursive 'Jm'. The bottom-right signature is a cursive 'Al' with a large, rounded flourish.

Amendments

Amendment the First

The 2022 Constitutional Amendment (Amendment the First) Act (No. 14 of 2022)

- (a) inserted Article 35.A. Motion of No Confidence;
- (b) inserted Article 33.A. Dissolution of Parliament;
- (c) replaced “two-thirds” with “simple” in Article 64;
- (d) replaced “two-thirds” with “simple” in Section 1 Article 44; and
- (e) replaced “or an administrative action by a two-thirds majority” with “by a two-thirds majority, or an administrative action by a simple majority” in Section 1 Article 37.

Effective on May 1st, 2022.