Basic Laws of the State of Israel Basic Law

1) The Army is a Basic Law that determines the subordination of the IDF and the Chief of Staff to the government. The law was passed by the Eighth Knesset on March 31, 1976, 29 Adar 2, 5776,[1] following the conclusions of the Agranat Committee that investigated the beginning of the outbreak of the Yom Kippur War.

The explanatory notes to the bill present the background for its enactment:

The legal and statutory basis of the Israel Defense Forces was until now the Israel Defense Forces Ordinance, 5778-1948, dated 17 Iyar 5778 (26 May 1948), which was issued under Section 18 of the Government and Legal Order Ordinance, 5778-1948 and approved in Section 4 of the Government and Legal Order (Additional Provisions) Ordinance, 5778-1948.

It is now proposed to bring the issue of the military into line with the Danish Basic Laws in other state institutions, such as the Knesset, the President of the State, and the government. The law follows the aforementioned ordinance from the early days of the state but adds provisions regarding the subordination of the army to the government and the status of the Chief of Staff, and other provisions that the Commission of Inquiry - Yom Kippur War (Agran at Commission) warned about their absence.[2]

This Basic Law has not undergone any changes since it was enacted.

The law is short and concise, with 6 sections and only 9 sentences:

Essence: The Israel Defense Forces is the army of the state.

Subordination to the civilian government:

The army is subject to the government.

The minister appointed by the government over the army is the Minister of Defense.

The highest command echelon in the army is the Chief of the General Staff.

The Chief of the General Staff is subject to the government and is subordinate to the Minister of Defense.

The Chief of the General Staff will be appointed by the government on the recommendation of the Minister of Defense.

The obligation to serve in the army and conscription into the army will be as determined by law or by virtue thereof.

The authority to issue directives and orders that are binding on the army will be determined by law or by virtue thereof.

No establishment or to maintain an armed force outside the Israel Defense Forces except by law.

The authority to operate the IDF lies with the entire government. The Prime Minister does not have a special status to operate the IDF as exists in other countries, such as the United States, for example, and the Minister of Defense must operate the army according to government decisions.

2) Basic Law: The Judiciary is a Basic Law that deals with the court system in Israel. It was enacted by the Tenth Knesset at the end of its days, on 25 Adar 1, 5744, February 28, 1984.[1]

A Basic Law: The Courts Bill was submitted by the government to the Knesset in June 1978.[2] Basic Law: The Judiciary was approved by the Knesset after nearly six years, on February 28, 1984.[3]

The explanatory notes to the Basic Law Bill present its purpose:

The proposed Basic Law is intended to define the constitutional principles according to which the judiciary in Israel will operate and is another step on the way to gathering the Basic Laws into one complete constitution.

The explanatory notes continue by presenting the relationship between the Basic Law and the laws that deal with this subject:

The proposed law consolidates the fundamental provisions of the Courts Law, 5777-1957, and the Judges Law, 5773-1953. The law deals with the judicial institutions, their powers, their working methods and the administrative procedures therein, and with judges, their uniqueness of tenure, their independence, methods of appointment, their term of office and their working conditions. The law discusses the principles that must be guaranteed in a Basic Law, and it only sets out frameworks, which are filled with content and details in the two laws that will continue to regulate the details of the various matters.

With the approval of the Basic Law: Judiciary, the sections that were transferred to the Basic Law were repealed from the Courts Law and the Judges Law.[4]

Over the years, several amendments were introduced to the Basic Law:

In 1992, Article 14 was amended, stipulating that the President of the Supreme Court may suspend a judge against whom a criminal investigation has been opened (in addition to the authority included in the original version of the law to suspend a judge against whom a complaint or indictment has been filed).[5]

In 2002, Section 7(4) was amended, adding the Ombudsman for Judges to the list of persons authorized to propose the termination of a judge's term of office.[6] This amendment was made with the establishment of the Ombudsman for Judges.

On July 24, 2023, the Knesset approved, by a majority of 64 coalition members, Amendment No. 3 to the Basic Law: The Judiciary (Amendment – ​​Reasonableness Ground). Opposition members boycotted the vote. The amendment includes the addition of the following section to the Basic Law: "Notwithstanding the provisions of this Basic Law, anyone who has the authority to adjudicate by law, including the Supreme Court sitting as a high court of justice, shall not discuss the reasonableness of the decision of the government, the Prime Minister or another minister, and shall not issue an order in such a matter; in this section, "decision" – any decision, including in matters of appointments or a decision to refrain from exercising any authority." [7] A petition was filed with the High Court of Justice against this amendment, which was heard by a full panel of all Supreme Court judges, and on January 1, 2024, the High Court declared the amendment null and void, by a majority of 8 out of 15 judges. [8]

On March 27, 2025, the Knesset approved Amendment No. 4 to the Basic Law: Judiciary, according to which the composition of the committee for selecting judges will be changed, so that the weight of politicians on the committee will increase. The amendment began at the beginning of the term of the Twenty-sixth Knesset.[9]

Ensuring the independence of judges: "In judicial matters, there is no authority over those who have judicial authority, except the authority of the law." The explanatory notes to the bill state: "The proposed provision is at the heart of the principle of the independence and non-independence of judges."[2] The origin of this principle is in the Judges Law.

Publicity of court hearings: "A court shall hear cases in public, unless otherwise provided by law or if the court has ordered otherwise by law." The origin of this principle is in the Courts Law. This principle is reflected in many judgments, in which the court has been asked to reduce the publicity of the hearing. The details of the conditions for deviating from this principle appear in Section 68 of the Courts Law.

A person shall be appointed as a judge based on the selection of the Judicial Selection Committee. The origin of this section is in the Judges Law.

Rules concerning the activities of judges.

The Supreme Court, sitting as a high court of justice, shall hear matters in which it deems it necessary to provide relief in the interests of justice and which are not within the jurisdiction of any other court or tribunal.

The Supreme Court, sitting as a high court of justice, is authorized

to issue orders for the release of persons who have been unlawfully arrested or detained.

to issue orders to state authorities, local authorities, their officials and other bodies and persons who hold public offices by law to do or refrain from doing anything in the lawful performance of their duties, and if they have been elected or appointed unlawfully – to refrain from acting;

to issue orders to courts, tribunals and bodies and persons with judicial or quasi-judicial powers by law – with the exception of courts dealt with by this law and with the exception of religious tribunals – to hear a particular matter or to refrain from hearing or to add to and hear a particular matter, and to annul a hearing held or a decision given unlawfully.

To issue orders to religious courts in accordance with certain conditions

Determining the fundamental powers of the Supreme Court, as a court of appeal against judgments and decisions of the district courts and in its capacity as the highest court of justice.

The principle of binding precedent, which has two components:

"A ruling made in a court shall guide a court of a lower rank".

"A ruling made in the Supreme Court shall bind every court, except the Supreme Court".

Protecting this Basic Law from being changed by emergency regulations: "Emergency regulations shall not have the power to change this Law, temporarily suspend its validity or impose conditions on it".

3) Basic Law: Israel – The Nation-State of the Jewish People (also known as: The Nation-State Law or Basic Law: The Nation), enshrines in a Basic Law the identity of the State of Israel as the nation-state of the Jewish people, and adds a series of provisions dealing with the fundamental characteristics of the state as a Jewish state.[1] Most of the provisions appearing in the law have already been enshrined in ordinary laws or the Basic Laws.[a] The law was approved by the Knesset on July 19, 2018, by a majority of 62 in favor, 55 against, and two abstentions.[2][3]

The Basic Law establishes that the State of Israel is the nation-state of the Jewish people, in which its natural right to self-determination, a right that in the State of Israel is unique to the Jewish people, is enshrined in a Basic Law the status of the symbol of the State of Israel, the flag of Israel and the Hope as the state anthem, the Hebrew calendar, the Jewish holidays and observances, and the Hebrew language as the state language. The law also stipulates that the state will encourage Jewish settlement, that a united and united Jerusalem is the capital of Israel, and that Arabic will not be considered an official language but a language with a special status.

The wording of the law that was adopted sparked controversy, mainly because it did not mention Israel as a democratic state that grants equality to all its citizens.

Article 1 – Basic Principles: The section opens with the declaration: “The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.” This declaration distinguishes between the geographical-historical concept “the Land of Israel,” which is mentioned only in it, and the contemporary political concept “the State of Israel,” which all other sections of the law deal with. The section continues with two essential statements about the nature of the State of Israel:

“The State of Israel is the nation-state of the Jewish people, in which it exercises its natural, cultural, religious, and historical right to self-determination.”

"The exercise of the right to national self-determination in the State of Israel is unique to the Jewish people."

Article 2 – State Symbols: Establishes that the name of the state is Israel, describes the state flag and its emblem, and establishes that the state anthem is "Hatikvah." These issues are regulated in detail in the Flag, Emblem and National Anthem Law.

Article 3 – State Capital: Establishes that "a complete and united Jerusalem is the capital of Israel." This issue is regulated in more detail in the Basic Law: Jerusalem, the Capital of Israel. This duplication of regulating the status of Jerusalem in two Basic Laws is justified in the explanatory notes to the bill: "It is proposed to re-enshrine in the Basic Law the provisions of Article 1 of the Basic Law: Jerusalem, the Capital of Israel, in light of the special and historical importance of Jerusalem to the Jewish people."[5]

Article 4 – Language: Establishes that "Hebrew is the language of the state" and that "the Arabic language has a special status in the state." The section continues by stating that "nothing in this section shall prejudice the status actually granted to the Arabic language before the commencement of this Basic Law." [b]

The explanatory notes to the bill state: "It is proposed to enshrine the status of the Hebrew and Arabic languages ​​in the state. Article 82 of the King's Decree in Council on the Land of Israel, 1922 to 1947, states in its current form that Hebrew and Arabic are official languages ​​in the state, but in practice, both in legislation and in case law, the Hebrew language is granted a status of precedence. Therefore, it is proposed to establish that Hebrew is the language of the state, thus giving expression to the centrality of the language in the character of the state as the nation-state of the Jewish people and to the importance attributed to the revival of the Hebrew language in the Zionist enterprise from its beginning. Alongside this determination, it is proposed to enshrine in the Basic Law the special status granted to the Arabic language in the state, and to emphasize that the Basic Law shall not prejudice the status actually granted to the Arabic language today. [5]

Section 5 – Ingathering of Diaspora: states That "the state shall be open to Jewish immigration and the gathering of exiles." This issue is regulated in detail in the Law of Return and in Section 2 of the Citizenship Law. The purpose of this section is presented in the explanatory notes to the bill: "It is proposed to declaratively enshrine in the Basic Law the commitment of the state as the nation-state of the Jewish people to Jewish immigration and the gathering of exiles, as mentioned in the Declaration of the Establishment of the State."[5]

Section 6 - The Connection with the Jewish People: It states that "the state shall strive to ensure the safety of the members of the Jewish people and its citizens who are in distress and captivity because of their Jewishness or because of their citizenship," and that the state shall act in the Diaspora to preserve the bond between the state and the members of the Jewish people, and shall act to preserve the cultural, historical and religious heritage of the Jewish people among Diaspora Jewry.[c]

Section 7 - Jewish Settlement: "The state considers the development of Jewish settlement to be a national value, and shall act to encourage and promote Its establishment and establishment".

Article 8 – Official Calendar: "The Hebrew calendar is the official calendar of the state and alongside it the foreign calendar shall serve as the official calendar". The preferential status of the Hebrew calendar is determined to a certain extent in the Hebrew Date Use Law, but on the other hand, priority was given to the foreign calendar in Article 3 of the Interpretation Law, which states that "year" and "month" shall be interpreted according to the Gregorian calendar, and if the beginning or end of their period is indicated according to the Hebrew calendar only – according to the Hebrew calendar.

Article 9 – Independence Day and Memorial Days: Establishes that "Independence Day is the official national holiday of the state" (this day is regulated in the Independence Day Law) and that "Remembrance Day for the Fallen in Israel's Armed Forces and Holocaust and Heroism Memorial Day are official memorial days of the state" (these days are regulated in the Remembrance Day for the Fallen in Israel's Armed Forces and the Holocaust and Heroism Memorial Day Law, respectively).

Article 10 – Rest Days and Sabbaths: "Sabbath and the Jewish holidays are the days of rest "Those who are not Jews have the right to observe their days of rest on their Sabbaths and holidays." This issue is regulated in Section 18A of the Government and Legal Order Ordinance and in the announcement on the determination of days of rest for non-Jews issued by the government under this section.

Section 11 - Rigidity: "This Basic Law may not be amended except by a Basic Law passed by a majority of the members of the Knesset" - this is a safeguard of the Basic Law, which requires that any amendment to it be passed by a majority of at least 61 members of the Knesset.

4) Basic Law: The Knesset (Amendment No. 49), known as the "Norwegian Law", was enacted on June 16, 2020, and allows a member of the Knesset serving as a minister or deputy minister to resign from the Knesset, and the next candidate on the list of candidates for the Knesset to which the resigned member of the Knesset belongs will enter the Knesset in his place. In the event that a member of the Knesset whose membership was terminated ceases to serve as a minister or deputy minister, or is appointed Prime Minister, Alternate Prime Minister, Acting Prime Minister or Acting Prime Minister, his membership in the Knesset will be renewed, and the last member of his list to become a member of the Knesset will cease to serve. A member of the Knesset whose membership was terminated and who resigned or was dismissed from his position as a minister or deputy minister and returned to being a member of the Knesset and was later appointed again as a minister or deputy minister, will not be able to resign from the Knesset again under Norwegian law during the term of that Knesset. The law is not limited in time, and it allows for the resignation of up to one-third of the members of the Knesset from the same faction [1]. The amendment is called the "Norwegian Act" based on a similar mechanism that exists in Norway.

The purpose of the law is presented in the explanatory notes to the bill:

The purpose of this amendment is to allow a member of the Knesset who serves as a minister or deputy minister to suspend his membership in the Knesset for the period during which he serves in his position in the executive branch, primarily to ensure that the coalition factions have enough Knesset members who can focus on parliamentary work. This is to improve the work of the Knesset and the representation of the public in the Knesset's deliberations and its committees, and to allow a significant number of ministers and deputy ministers to devote themselves to their work in the executive branch [12].

5) Basic Law: Human Dignity and Freedom is a Basic Law, intended to protect the main human rights in the State of Israel. As its title makes clear, the law establishes human dignity and freedom as the fundamental values ​​from which the human rights protected in the Basic Law, which was adopted as the "Bill of Human Rights" of Israeli law, are derived. The Basic Law does not contain reserved sections, and the Knesset can amend it by a simple majority. The law was enacted at the end of the twelfth Knesset, on March 17, 1992.

According to the view of certain jurists and many Supreme Court justices, led by President Aharon Barak, the enactment of this Basic Law and the Basic Law: Freedom of Occupation began the constitutional revolution, because the Knesset granted these two Basic Laws a supra-legal status, according to which the courts were given the authority to declare a law that contradicts these Basic Laws null and void. According to this argument, with the enactment of these Basic Laws, a fundamental change occurred in the status of human rights in Israel. This approach is reflected in the rulings of the Supreme Court, which over the years has annulled some 22 legislative acts that contradicted these basic laws. Other jurists, including former President Moshe Landau, oppose this view.  
The heart of the Basic Law: Human Dignity and Liberty naturally deals with the rights it protects. As the title of the law states, all of these rights are derived from human dignity and liberty, as interpreted considering the State of Israel being a Jewish and democratic state. These rights are detailed in several sections:

Section 2: No one shall be deprived of his life, body, or dignity as a person.

Section 3: No one shall be deprived of his property.

Section 4: Every person is entitled to the protection of his life, body, and dignity.

Section 5: No one shall be deprived of his liberty by imprisonment, detention, extradition, or in any other way.

Article 6:

(a) Every person is free to leave Israel.

(b) Every Israeli citizen who is abroad has the right to enter Israel.

Article 7:

(a) Every person has the right to privacy and the privacy of his or her life.

(b) No one may enter a person's private property without his or her consent.

(c) No one may search a person's private property, whether on his or her person or belongings.

(d) No one may violate the privacy of a person's conversation, writings or records.

Article 9 of the Basic Law establishes an additional reservation for those serving in the IDF, the Prison Service and the police. According to the provisions of this article, violations of the rights of those serving in these bodies shall not exceed what is required by the nature and essence of the service.

However, the absence of a number of essential human rights is conspicuous, such as the right to equality, freedom of expression, freedom of religion, freedom of protest, freedom of association, and more. Although these rights are granted to Israeli residents by virtue of general principles that existed before the law was enacted, they are not protected by a Basic Law, and therefore they can be violated and even abolished through a democratic process. Although the exclusion of these rights from the Basic Law was done consciously, there are jurists, led by Aharon Barak, who see these rights as derivatives of the right to dignity, and although the Supreme Court's rulings on the subject are still inconsistent, some of the rights, such as equality and freedom of expression, have been recognized as derivatives of dignity in a very large number of rulings from 1994 to the present.