

The Constitution of the Kingdom of Cambodia

Article by: Vicheka Lay

"I invoke the genius of Constitution." (William Pitt, Earl of Chatham - 1777)

Despite present image and discriminatory merits have made Cambodia one of the most stigmatized international actors in the world, this sovereign state still boasts "one foundation for her general functioning." The addressed one foundation for general functioning of the state is "the Constitution." The all-out purpose of this article is to analyze the Constitution of the Kingdom of Cambodia; whether it addresses the Constitutional pioneer's theory and other democratically valid eligibilities.

Constitution is not just about listing from preamble and oath to the final provision, but there must be one or many absolute cores to convert a piece of writing, made by very few, into the Municipal God (Constitution) that the entire population must unconditionally abide by. This article will compare the common elements of the generally accepted Constitution to the Constitution of the Kingdom of Cambodia.

The principle of sovereignty has made the Constitution of every world countries not definitively identical, but to be generally accepted, the Constitution must fulfill all the below criteria (with exception to few countries).

I. Preamble:

Comparing to education, preamble is like "an orientation" to urge the reader continue to the next page. Administrative functioning, political stance, civil rights and other statesmanship are not addressed in the preamble. Robert L. Maddex states that "however, in the case of some Constitutions of communist countries, the preamble may reveal the motives for the document, which otherwise bears little resemblance to how the national political power structure actually operates (Robert L. Maddex, 1995, Constitutions of the World, p. xi).

Preamble of the Constitution of the Kingdom of Cambodia states: ... awakened, stood up with a resolute determination to strengthen the national unity, to preserve and defend Cambodia's territory and its precious sovereignty and the prestige of Angkor civilization, and to restore Cambodia into an "Island of Peace" ... we inscribe the following as the Constitution of the Kingdom of Cambodia.

The selected paragraphs of the Constitution of the Kingdom of Cambodia are to orient the readers to the next page. As we can see, the political system and other state of affairs are not mentioned in the Preamble contained in the Constitution of the Kingdom of Cambodia. Cambodia has now achieved the first common element of what I call the generally accepted Constitution.

II. Fundamental rights:

Most of the written Constitutions reiterate the list of fundamental rights, obligations and responsibilities of wrongdoing of any citizen, permanent inhabitants or anyone paying sojourn within the territory.

Fundamental right is analogous to the U.S. bill of rights (Maddex). Fundamental rights and civil rights are usually deployed interchangeably. The list of fundamental rights is mostly surrounding freedom of expression, faith, assembly, association-establishment, private properties, compensation, economic perspiration and accountabilities.

Referring to the Constitution of the Kingdom of Cambodia; Chapter III, from Article 31 to 50, the rights and obligations of the Cambodian citizens are tabulated. In these articles, from the most basic (physiological) rights to responsibilities before the state of the Cambodian citizens are listed. The Constitution of the Kingdom of Cambodia does now fill the second criteria of the theory of generally accepted Constitution. And the last common element of Constitution is "the structure of the government."

III. Structure of the government:

In the democratic or democracy-oriented countries, the government is usually divided into three separate branches: executive, legislative and judicial. To be precise, structure of government is the path on which the public affairs of one state is operated.

Structure of government is also different between parliamentary system and presidential-style parliamentary system.

In the case of Cambodia, the three branches of government is, according to the Constitution, separated (Article 51, paragraph 4). Chapter VII, VIII and IX of the Constitution of the Kingdom of Cambodia are all about the structure of the government.

The Constitution of the Kingdom of Cambodia now reaches the final eligibility to be authentically accepted as the valid Constitution as per the theory of our Constitutional pioneer.

There are still many debates and argument on whether the Constitution of the Kingdom of Cambodia is truly democratic or not. Those interested in public affairs are making the public opinions get confused. Whether the Constitution of the Kingdom of Cambodia is democratic or not, is the “matters of politics”, not “the matters of law.” We are doing legal analysis, but our mentality is focusing on politics; this has made the new interested individuals get even more confused and complicated.

I do not dare to say that whether the Constitution of the Kingdom of Cambodia is democratic or not, because I am not doing political analysis, but I dare to say that Constitution of the Kingdom of Cambodia does possess adequate criteria to be regarded as a “generally accepted Constitution.”

Constitutional council of the Kingdom of Cambodia is the sole institution responsible for interpreting any law passed by the National Assembly of the Kingdom of Cambodia.

The Author of this article recommends those concerned to use “the Constitution of the Kingdom of Cambodia” for any occasion.

Anyone looking for a World-class Romantic Wedding! Wedding on the luxurious boat on the Mediterranean Sea and it is not as expensive as have wrongly guessed. Contact me – Lay Vicheka, for more information: 855 11 268 445, vichekalay@yahoo.com. Anyone in the world looking for this Imaginary World-class service is welcome. Lay Vicheka is a translator for the most celebrated translation agency in the Kingdom of Cambodia, Pyramid Translation Co.Ltd.. He is now hoding other two professions: freelance writer for Search Newspaper; focusing on social issues and students' issues and Media Liaison Officer for Asia's first free on-line IELTS consultation website. Lay Vicheka is the expert author for ezine and prolific article contributor to other websites around the world such as articlecity, 365articles, spiderden, talesofasia, etc (Just google him). He is also a volunteer Cambodian-newspapers columnist (Rasmey Kampuchea and Kampuchea Thmey). Lay Vicheka has great experience in law and politics, as he used to be legal and English-language assistant to a Cambodian member of parliament, migration experience (home-based business) and in writing. He is also member of a New York-based research company. Posting address: 221H Street 93, Tuol Sangke quarter, Russey Keo district, Phnom Penh, Cambodia. Tel: 855 11 268 445, vichekalay@yahoo.com