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Finland

This page provides you with information on the legal system in Finland.

#### Sources of law

The term 'sources of law' means the sources where legal rules are to be found. In Finland, some sources of law are national and others are international.

Some sources are written, some unwritten. A summary of all sources of law is set out below.

#### Types of legal instruments – description

##### National sources of law

The most important national sources of law are written laws. The term 'laws' should in this context be interpreted broadly as meaning the Constitution, ordinary acts (also known as Acts of Parliament), decrees, whether issued by the President of the Republic, the Council of Ministers or ministries, and legal rules issued by lower-ranking authorities. Legal rules issued by lower-ranking authorities and decrees may be issued only under the authority of the Constitution or an ordinary Act, which normally specifies the state body or authority empowered to issue such a rule.

In circumstances where there is no written law, Chapter 1, Section 11 of the Code of Procedure provides that custom may be the source of law. For custom to be binding, it must be equitable. The rule of custom dates back a long way and its current notion is not very specific. 'Custom' today chiefly means certain established practices that occur, for example, in commercial activities. Because regulations provided for in written law are now fairly comprehensive, custom is nowadays only relatively rarely of importance as a source of law. In some areas, however, such as law of contract, customary law does have a fairly strong position even now.

Preparatory legislative work and court decisions are also sources of law. Preparatory legislative work provides information on the legislator's intention and, for that reason; such documents are used in the interpretation of legislation. Of the various court decisions, the most important as sources of law are those of the highest courts, namely the Supreme Court and the Supreme Administrative Court. The decisions of these two courts are called precedents. Although precedents are not legally binding, they have great importance in practice. The decisions of other courts may also be important as sources of law. Indeed, in circumstances in which the decision of a lower court is final, the practice of the lower courts may be of great practical importance.

Jurisprudence, general legal principles and factual arguments are also national sources of law. The specific task of jurisprudence is to research the content of the legal system – the interpretation and classification of legal rules – and for that reason it, too, is significant as a source of law. General legal principles and practical arguments can also have significance as sources of law. As will be shown below, the position of these sources in the hierarchy of sources of law is weaker than that of the other sources referred to above.

##### International sources of law and European Union law

International agreements and other international obligations to which Finland is committed are binding sources of law in Finland. The practice of the international bodies that apply such agreements also has significance as a source of law. One example of a source of law in this category is the Convention of the Council of Europe on Human Rights; thus the practice of the European Court of Human Rights is relevant to the interpretation of the Convention.

As a member of the European Union, Finland is also bound by its laws, regulations and directives. These are among the most important legislation of the European Union. Regulations are directly applicable to all member states and member states must implement its directives. Preliminary work in implementing legislation may, therefore, also draw some significance from how EU law is interpreted, although that significance is clearly far less than is the case for preparatory work for national legislation.

Other EU regulatory instruments are binding on Finland to the same extent as they are binding upon other member states. The rulings of the Court of Justice of the European Communities are also of significance as a source of law, because they are part of the body of EU law.

#### Hierarchy of norms

Finnish sources of law are customarily divided into strongly binding, weakly binding and admissible sources. Acts and custom are strongly binding sources. They therefore occupy the highest position in the hierarchy. It is the official duty of the law enforcement authorities to apply them; to set them aside is deemed misconduct in office. The hierarchy of national legislation is as follows:

Constitution

Ordinary Acts (Acts of Parliament)

Decrees issued by the President of the Republic, the Council of Ministers and ministries

Legal rules issued by lower-ranking authorities.

Weakly binding sources of law, namely the ones that rank lower in the hierarchy, consist of preparatory legislative work and court decisions. Disregard of these sources does not result in a sanction for misconduct in office against the enforcement authority, but the likelihood of a decision being challenged in a higher court increases. The admissible sources of law categories include jurisprudence, general legal principles and factual arguments. Admissible sources of law are not binding, but they may be used to bolster an argument and thereby strengthen the grounds on which a decision is based.

International agreements have the same hierarchical ranking as the instrument used to implement them in Finland. Thus, if an international agreement is implemented by an Act, the provisions of that agreement have the hierarchical ranking of the provisions of the Act. If, however, an international obligation is implemented pursuant to a decree, its provisions have the hierarchical rank of the provisions of the decree. Implementing provisions are therefore analogous to national provisions of the same hierarchical rank.

#### Institutional framework

##### Institutions responsible for the adoption of legal rules

Under the Finnish Constitution, legislative power in Finland is vested in Parliament. Parliament enacts all ordinary Acts and also determines amendments to the Constitution. Acts or basic laws enacted by Parliament may vest certain other bodies with the authority to issue legal rules on given matters. On the basis of such authorisation, the President of the Republic, the government and a ministry may issue decrees. Where there is no provision specifying who is to issue a decree, it is issued by the government. A lower-ranking authority may also, in certain circumstances, be authorised by an Act to lay down legal rules

on given matters. This occurs where there are specific grounds relating to the subject matter of the rules concerned, and where the material significance of those rules does not require that they be laid down by an Act or a decree. The scope of such authorisation must also be clearly defined. No bodies other than those referred to above have authority to issue generally binding legal rules.

### **Decision - making process**

#### **Enactment and entry into force of legal rules**

In order for legislation to be enacted, it must be presented to Parliament for consideration as a government proposal or as an initiative by a Member of Parliament. Government proposals are prepared in ministries and are subsequently discussed at the government plenary session. After that, the decision on whether to bring the government proposal before Parliament is made at the presidential session.

In Parliament, a government proposal is first the subject of a preliminary debate, after which it is assigned to a parliamentary committee for consideration. The committee hears experts and drafts a report on the government proposal. The matter is then referred to a plenary session of Parliament, where the report of the parliamentary committee acts as a basis for discussion. The decision to pass a Bill is taken at a plenary session of Parliament in two readings. Parliament may pass a bill without amending it, amend it or reject it. The final decision on the fate of a Bill therefore lies with Parliament. Ordinary Bills are passed in Parliament by means of a simple majority, whereas an amendment to the Constitution requires a stipulated majority.

Once a Bill has been passed by Parliament, it is forwarded to the President of the Republic for approval. An Act enters into force at the time specified in the Bill, but not before it has been published in the legal gazette, 'Statutes of Finland'.

Decrees issued by the President of the Republic, the government or a ministry are prepared in the ministry that deals with the matter. Where presidential decrees are concerned, the President of the Republic makes a decision to issue a decree acting on proposals presented by the government. The issuing of government decrees is determined at government plenary sessions, and the issuing of ministerial decrees is determined by the ministry concerned. All decrees are published in the Statutes of Finland. A decree enters into force at the time specified in the decree itself, but does not; in any event, enter into force before the decree has been published in the Statutes of Finland.

Legal rules laid down by lower-ranking authorities – which are, in practice, usually called either decisions or rules and regulations – are prepared by the authority concerned, which also decides on their adoption. Regulations adopted by lower-ranking authorities enter into force at the time provided for and are published in the compendium of rules and regulations of the authority concerned.

### **Legal databases**

#### **Finlex**

[Finlex](#) is a legal databank with over thirty databases. Legislative information in Finlex is organised into six databases. It includes, among other things:

The database of translations of Finnish acts and decrees, including translations of Finnish Acts of Parliament (mostly in English)

The consolidated texts of acts and decrees (in Finnish and in Swedish)

A reference database that includes a list of changes made to any act or decree

Sámi language acts and decrees.

The translations of Finnish Acts and decrees (mostly in English) are in one database. The original texts of Acts and decrees are in separate databases. The most recent Acts are found in the electronic statutes of Finland.

Case law in Finlex consists of over ten databases. These include the precedents set by the Supreme Court and cases of the Supreme Administrative Court, the courts of appeal, the administrative courts and special courts.

Other Finlex databases include international treaties, secondary legislation and government bills.

Access to the database is **free of charge**.

#### **Other databases**

In addition to Finlex, databases on legislation, case law, government bills and legal literature are also available in Finland. [Edilex](#) and [Suomen laki](#) provide comprehensive on-line legal information services. Both Edilex and Suomen laki contain databases of national legislation, case law and other material. Subscription is required for most of the services. WSOYPro is the third commercial legal information service in Finland. Most materials are restricted to subscribers.

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