

Constitutional courts in post-Soviet states: between the model of a state of law and its local application

1. Project objective

The objective of the present project is to establish the specific political character of the organs of the control of law constitutionality in post-Soviet states. This is done through determining and explaining their political character, their place in the system of the state power, assessing the tasks assigned to them, the manner of establishment, the course of their work, the legal force of their decisions, the legal status of members of those bodies and through presenting the conclusions referring to the optimization of the political status of the organs controlling the constitutionality of law as organs of the protection of the constitution.

2. Research to be carried out

Organs of the control of constitutionality of law in post-Soviet states are subjected to research. Legal regulations, conditions in which they appeared, their interpretation and application are analyzed. The aim of the studies is to establish the political identity of the organs of the control of constitutionality of law in the context of model solutions recognized by the doctrine of law in this respect in the contemporary world (the so-called European model of the control of constitutionality of law and the so-called American model of the control of constitutionality of law) and their adaptation in the conditions of particular states of the region. Analysis is made of which elements of the control of constitutionality of law are of universal character and which are an expression of the local specific character, political traditions and the structure of political forces occurring in the process of the establishment of an organ of the control of constitutionality of law and then during its activity.

3. Reasons for choosing the research topic

Organs of the control of constitutionality of law in contemporary states are the key guarantors in realizing the separation and balance of power, thus securing the state's political stability. For this reason profound research on their political system is carried out. Organs of the control of constitutionality of law are also appointed in post-Soviet states (except Turkmenistan). Nevertheless, the doctrine of constitutional law lacks deepened analyses on their identity, their effect on the observance of constitutional regulations and on the realization of the principles of the separation of power or the protection of individual freedoms and rights. One can observe a deficit of analyses on the constitutional status of the organs of the control of constitutionality of law, their practical activity and the resulting relationships taking place between the constitutional regulation of the organs of the control of constitutionality of law and their importance for the political practice. This gives rise to negative consequences for the understanding of the political systems of those countries and thus for forecasting the political changes occurring in them. The studies undertaken are also necessary for the analyses of the rule of law in particular states of the region, especially those analyses which are conducted with the aim of foreign investors assessing the political risk.