

THE CONSTITUTIONAL COURT AND DISPUTES OF THE SEPARATION OF POWERS SUMMARY

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Summary: The Constitutional Court is an independent constitutional authority occupying its own constitutional space; within the framework of the separation of powers, this space cannot be specifically designated as either judicial or political. The role of the Constitutional Court may be justified by the need to establish a legal instrument which will serve as a counter-majoritarian balance to the political branches of government by means of which the system of separation of powers has been substantially advanced to new heights. We believe the Constitutional Court has the function of a sophisticated corrective legal mechanism, which has been built into the “body” of the separation of powers in order to ensure the constitutional reflection of this principle and to protect it from the political impact and daily outbursts of fervent rhetoric. The constitutional jurisprudence embodies the permanence and consistency of constitutional principles as opposed to the unpredictable political practice in both the legislative and the executive branch of power.

Keywords: constitutional court, constitutional disputes, separation of power.

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