

POLITICAL CAPACITY OF CONSTITUTIONAL JUDICIARY

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Summary: The paper deals with specific nature and position of constitutional court system, with the focus on its political involvement. The influence of constitutional court system on political reality has constantly been confirmed, but this does not make the constitutional legal explanation of this influence easier. Increasingly more important political role of the constitutional judiciary in everyday life of a country is difficult to fit into the basic postulates of constitutionality of our time. First of all, there is no direct electoral link between the people and the constitutional judges and the constitutional court cannot be classified without any hesitation into any of the three branches of power. The nature of constitutional court system is also blurred by the fact that in decision-making it applies a mixture of legal and political criteria, without a clear line in which dispute it is the law that prevails and in which one it is politics that prevails. All this suggests that there is not a universal position of constitutional court authority within the constitutional system, but that it is partially in both law and politics according to the measures from state to state.

Keywords: constitutional judiciary, politics, law, the Constitution, power.