

THE ROLE OF CONSTITUTIONAL JUDICIARY IN ACTUALIZATION OF THE RULE OF LAW

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Summary: In this paper the author indicates the fact that the idea of rule of law could be noticed even in the ancient history, i.e. in the Aristotle's writings, so in this way the idea is more than two millenniums old.

However, even besides that, in the world nowadays there is not a unique understanding of the term and there is not a generally accepted definition of the term of the rule of law. It is especially significant to highlight the role of the constitutional judiciary in the actualization of the rule of law, so this paper is mostly concerned with a relation between the judiciary and the rule of law. This is why in the first place it is necessary for every democratic society to implement a division of power to legislative, executive and judiciary through which rather complicated balance can be achieved between the freedom of political organizing, by the constitution of the limited authority and people's participation in actualization of authority in a democratic manner.

Keywords: the rule of law, the state of law, constitutionality and legality, constitution, constitutional judiciary, the Republic of Serbia.