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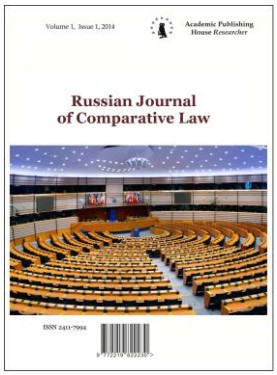

About Optional or Mandatory Constitutional Control in the Russian Federation and Foreign Countries (Comparative Legal Study of the Constitutional Laws of the States with the European Model of Constitutional Justice)

Alexander N. Pisarev [a, *]

[a] Russian State University of Justice, Russian Federation

Abstract

The article overviews the topical issues of transition from optional to mandatory and preliminary judicial control carried out by the Constitutional Court of the Russian Federation which allows securing constitutionality of federal constitutional laws and federal laws based on blanket regulations of the Constitution.

The author analyses general characteristics of the European (continental, concentrated) model of constitutional control, as well as particular features of its organization and implementation in selected European states which are largely determined by the peculiarities of the adopted form of government.

Taking into consideration the similarity of constitutional system of state authority organization in the Russian Federation and the semi-presidential model of the republican form of government which is fulfilled in the constitutional system of many countries of Western Europe and, especially France, it is proposed to use the French model of the judicial control organization as regards the positive experience of the French Constitutional Council in implementation of preliminary and mandatory constitutional control over organic laws.

Keywords: constitutional control, optional or mandatory judicial constitutional control, the European model of constitutional review, the constitutional Council of France.

1. Introduction

The analysis of current domestic federal and local constitutional legislation on the organization and operation of constitutional and statutory courts allows a conclusion that European (continental, concentrated) model of constitutional control based on the Romano-Germanic legal system where the most important source of law is a regulative legal act is currently adopted in the Russian Federation.

The basic features of this model distinguishing it, for example, from the Anglo-Saxon model of constitutional control, are as follows:

- the existence of specialized bodies designated to carry out, as a rule, abstract constitutional control and enjoying a special constitutional status of state authorities being judiciary authorities, in particular;

- administrative and financial autonomy of constitutional control bodies which is a necessary condition for their independence from other state authorities and judicial bodies in decision-making processes;

* Corresponding author
E-mail addresses: a.n.pisarev@mail.ru (A.N. Pisarev)

- constitutional control bodies are vested exclusive powers to rule legal acts unconstitutional and therefore null and void, including regulatory legal acts and laws adopted by the parliament;
- the formation of constitutional control bodies within a special constitutional procedure by state authorities out of recognized experts in the field of constitutional law having special qualifications;
- consideration of constitutional disputes following a particular procedure which is regulated in detail in constitutional legislation in order to implement constitutional legislation (constitutional justice), etc. by the constitutional control bodies.

Along with the common features characterizing European model of constitutional control, separate European countries introduced specific features of its organization and implementation which, in the author's opinion, are largely determined by the peculiarities of the adopted form of government. The form of government can be seen as an indicator of that particular mode by virtue of which the national constitution guarantees separation of powers between the supreme public authorities and, among other things, determines the place and role of the constitutional bodies within the system of such bodies.

2. Materials and Methods

The main sources for writing this article are official documents in the field of constitutional law of the Russian Federation and other states, such has France, which adopted the European model of constitutional control, as well as materials of journal publications and judicial practice.

In the process of research the main methods of cognition were used: systematic-legal, historical-legal and comparative legal analysis.

The author's reasoning is based on the systematic analysis of domestic and foreign constitutional legislation which allows to identify intra-system connections, public legal mechanisms of interaction, regularities, and the tendency of development, as well as effective functioning of the whole system, in case the Constitutional Court of the Russian Federation is considered the most important element of the judiciary system and the system of public authority.

The use of the historical-legal method allows to identify the reasons for deviation of the drafters of the 1993 Constitution from the classical conception of the semi-presidential republic on the whole and the French model of the constitutional justice organization in particular, which, in the author's opinion, are primarily related to the events preceding the adoption of the 1993 Constitution, when the Constitutional Court of the Russian Federation got involved in the process of political confrontation between the Supreme Council and the President due to a number of objective and subjective factors.

The method of comparative legal analysis consists of the analysis based on borrowing the relevant material from the constitutional legislation of European states. The use of this method allows to identify both, general features characteristics of the European model of the constitutional control and specific features of its organization and implementation which, in the author's opinion, indicate how the constitution of a certain country determines the place and role of the constitutional control bodies in the system of the supreme public authorities. This method makes the achievements of certain European countries in the field of constitutional and legal regulation of the constitutional justice organization accessible and comparable; therefore, it makes it plausible to define the main directions in making the implementation of constitutional control in the Russian Federation more effective.

3. Discussion

In accordance with the above-mentioned features characterizing the European system of constitutional control (constitutional justice), the Constitutional Court of the Russian Federation has a special constitutional legal status due to the fact that, on the one hand, in accordance with the provisions of Article 1 of the Federal Constitutional Law of July 21, 1994 No 1-FKZ "On the Constitutional Court of the Russian Federation" it is a judicial body of constitutional control which independently exercises judicial power by means of constitutional legal procedure. On the other hand, in accordance with the requirements of Article 11 of the Constitution, the Constitutional Court is a part of the system of state authority alongside with the President, the Federal Assembly

and the Government, and therefore, the constitutional control it exercises may be considered as a special and independent direction of the activities of state authorities.

Russian renown scholar Nikolay V. Vitruk considers the role of the Constitutional Court as a special role in the system of public authority due to the following facts: the Court influences significantly the activities of the President, the Federal Assembly, and the Government, the laws and by-laws adopted by them , as well as their decisions and actions by means of the constitutional control; it participates in securing the principle of separation of powers, the system of checks and balances; 'by resolving conflicts, disputes between the legislative and executive powers, it acts as a body of compromise and reconciliation, as a guarantor of political peace and stability in society and the state, as a custodian of the Constitution, constitutional values and ideals' (Vitruk, 2010: 176, 177).

Relationships between the status of constitutional control bodies and the form of government in the state is explained by the fact that such bodies due to their special constitutional status are called upon not only for resolving legal disputes in judicial procedure but also for performing other non-judicial functions which are of controlling and consultative nature. The said bodies are public authorities taking special place in the system of public authority organization and playing a significant role in ensuring the balance of powers in a democratic and rule of law state.

Analysing the peculiarities of legal status of the constitutional control bodies, another authoritative Russian scholar Veniamin Ye. Chirkin draws attention to the fact that "the procedure of taking decisions, including in Russia, starting in 2010, especially after a number of amendments to the Federal Constitutional Law of July 21, 1994 No 1-FKZ "On the Constitutional Court of the Russian Federation", for example the Law of November 3, 2010 No 7-FZK and the Law of December 14, 2015 No 7-FKZ, is now similar to judicial process to a lesser degree, as in fact there exists revision with the decision about the constitutionality of certain legal acts. In his opinion, "the word 'court' is not quite appropriate for the constitutional control body, since the Constitutional Court of the Russian Federation possesses certain non-judicial functions before (e.g., giving a statement in examining the issue of impeachment of the President or the issues of the Constitution interpretation when federal or local authorities address it), and now many court cases are tried by it without judicial hearings. In France, where the constitutional control body also has other non-judicial powers they apparently took this into account and called it the Constitutional Council" (Chirkin, 2017: 129).

Taking into consideration the above-mentioned dependence of legal status of constitutional control bodies on the peculiarities of the form of government chosen in the country, it seems interesting to draw on the experience of France in regulating the legal status of constitutional control bodies. It is important bearing in mind the similarity between the constitutional system of public authority organization in the Russian Federation and the semi-presidential model of the republican form of government which was fully realised in the constitutional structure of many countries in Western Europe and, above all, France.

In addition, the French experience of constitutional and legal regulation of the most important social relations is also important for Russia, taking into account the complexities of the transitional period of the state and society, which it is currently experiencing, as well as the fact that state-legal presidency institutions, parliament, constitutional control were quite new for Russia and relatively recently – during the USSR – were sharply criticized from the position of the then prevailing Marxist-Leninist ideology as extremely reactionary bodies of the bourgeois state.

In this regard, one should agree with Veniamin Chirkin that "the presidential-parliamentary republic with a strong president and, essentially, a sole leader, which existed in the majority of post-Soviet countries, had certain advantages, especially during the transitional period and with the necessity to mobilize society in order to tackle priorities. This was first shown, apparently, using the experience of France in the difficult situation of 1958" (Chirkin, 2003: 127).

With this in mind, it seems that the Constitution of the French Republic of October 4, 1958 (as amended and supplemented on July 23, 2008) had to be a model for the drafters of the Constitution of the Russian Federation in 1993 in determining the legal status of public authorities and state-legal mechanisms for their interaction, mutual control, implemented in the system of "checks and balances," in general, and the powers of the constitutional control bodies, in particular.

In France the body entitled to exercise constitutional control is the Constitutional Council of the French Republic whose legal status is defined in Section VII of the 1958 Constitution,

supplemented by Article 61-1 introduced by Constitutional Law No 2008-724 of July 23, 2008 "On modernization of the institutions of the Fifth Republic".

The terms of application of this Article are determined by the Organic Law No 2009-1523 of December 10, 2009 and provide for the implementation by the Constitutional Council of the subsequent constitutional control over the inquiries of the State Council or the Court of Cassation, "if in connection with the handling of a case in court an assertion is made that a certain provision of the law damages the rights and freedoms guaranteed by the Constitution".

The Constitutional Council of France in its Decree No 2009-595 of December 3, 2009 No 2009-595 has found Law No 2008-724 of July 23, 2008 "On modernization of the institutions of the Fifth Republic" constitutional, subject to the following provisions: the application of the legal procedure set out in Article 61-1 of the Constitution in assize courts; assessment of a change of circumstances; the priority of verifying the laws for compliance with the Constitution before verifying for compliance with international obligations (Constitutional Council of France at the present time, 2015: 208-215).

Despite the progressive nature of the above-mentioned legal novelties which significantly expand the powers of the Constitutional Council of France and the range of constitutional control it exercises it should be recognized that the primary type of its activity continues to be the preliminary control of the constitutionality of laws.

According to Article 61 of the Constitution, all organic laws before their promulgation, and legislative proposals set out in Article 11 of the Constitution prior to their submission to the referendum, and the regulations of the Chambers of Parliament prior to their application, are subject to preliminary and mandatory constitutional control. In addition, to reach a solution of the compliance of laws with the Constitution they may be transferred to the Constitutional Council by the President of the Republic, the Prime Minister, the Chairman of the National Assembly, the President of the Senate, or sixty deputies or sixty senators.

The judgment should be issued by the Constitutional Council within a month's time. However, at the request of the Government, in case of urgency of the matter, this period is reduced to eight days.

Reflecting the peculiarities of legal status of constitutional control bodies as the public authorities, on the one hand, and bodies of judicial authorities, on the other hand, the Constitution of France defines the Constitutional Council as a quasi-judicial body and does not consider it to be the highest judicial authority of the country.

The Constitutional Council consists of nine members, and its one-third is renewed every three years. Three members of the Council are appointed by the President of the Republic, three members by the President of the National Assembly and three members by the Chairmen of the Senate. The highest presidents of the Republic are by right the members of the Constitutional Council for life.

Judicial procedure is conducted in writing and is adversarial, except for the cases when actions are brought before a court on a mandatory basis. There is no practice of giving dissenting opinions. The results of discussion in the advisory room and the results of voting on the issues discussed are not subject to disclosure (Constitution of foreign states, 2012: 81–116).

According to the precise expression of Andrey A. Klishas, the implementation by the Constitutional Council of this kind of constitutional control "resembles one of the stages in legislative process within which, with the exception of such a form of direct democracy as referendum, individual citizens or their collectives do not possess any powers" (Klishas, 2010: 84).

Thus, it can be said that the French model of constitutional justice is peculiar when it provides both, a subsequent and a preliminary abstract constitutional control over the constitutionality of organic (constitutional) laws and regulations of the Chambers of Parliament which is simultaneously mandatory (imperative), since without a relevant conclusion of the Constitutional Council of France the mentioned regulative acts are not legally valid and cannot be applied.

It is important to note that the French model of constitutional control organisation is in demand in a number of European countries. For example, in accordance with Law of May 18, 1992 the Constitutional Court of Romania exercises both preliminary and subsequent constitutional control. However, unlike the Constitutional Council of France, preliminary constitution control (resolution of cases on the constitutionality of laws prior to their promulgation) in Romania is not mandatory and is possible only upon the request of the President of Romania, the Chairman of one

of the Parliament chambers, the Government and the Supreme Court, as well as at least 50 deputies or 25 senators. The preliminary constitutional control becomes mandatory only in cases of hearing the proposals for the revision of the Constitution by the Constitutional Court of Romania.

An important feature of the constitutional control in Romania which greatly differs it from the procedure for considering the constitutionality of regulative legal acts adopted in most countries of Europe and America is the possibility of the parliament stipulated by the law to overcome the decision of the Constitutional Court to rule the law unconstitutional by the majority of at least two-thirds of votes in each of the chambers. Moreover, if the Parliament overcomes the decision of the Constitutional Court the latter has no longer a right to return to consideration of the issue of the constitutionality of the given law (Miryasheva, 2015: 260-263).

Preliminary and simultaneously mandatory, as well as subsequent constitutional control is provided for in the constitutional legislation of other European countries influenced by the French model of the constitutional control (Belarus, Bulgaria, Hungary, Lithuania, Moldova, Romania, Ukraine, Albania, and Poland).

At the same time, in some of these states, preliminary and simultaneously mandatory constitutional control is exercised by constitutional courts on their own initiative (Albania, Hungary, Moldova, or Poland).

For example, according to the requirements of Article 24 of the Constitution/Basic Law of Hungary of April 25, 2011 (came into force on January 1, 2012), the Constitutional Court exercises preliminary abstract constitutional control:

- on its own initiative in mandatory (imperative) order over the laws on the state budget and its implementation, on central taxes, fees and custom duties, on pensions and health care contributions, on unified requirements for local taxes;
- upon the request of legal entities and individuals over the laws relating exclusively to the right to life and human dignity, the right to protection of personal data, the right to freedom of thought, conscience and religion, or the law related to Hungarian citizenship;
- on the initiative of the Government or one-fourth of the Members of Parliament over all laws.

In addition, the Constitutional Court of Hungary exercises specific constitutional control over the constitutionality of legislation which will be applied in a particular case based on a constitutional control, upon a judge's request or a judicial decision (Constitution of Hungary, 2011: 8).

It should be noted that despite the announcement in the Russian Federation of a semi-presidential model of the republican form of government, the underlying state-legal mechanisms of interaction and mutual control exercised by state authorities in the system of "checks and balances" characterizing classical concepts about this form of government which were set forth in the 1958 Constitution of the French Republic of did not fully reflect in the 1993 RF Constitution.

It should be recognized that the modern Russian model of the republican form of government is more characterized by the dominance of the President in the system of public authority of the Russian Federation, which is quite appropriate in the conditions of transition period the Russian state and society were in.

In addition, the French model of constitutional justice organization was unclaimed in the Russian Federation, the characteristic features of which, as is mentioned above, is the existence of a quasi-judicial body designed among other things to exercise preliminary, mandatory constitutional control over certain legal acts.

In the Russian Federation, according to Article 125 of the Constitution, the Constitutional Court has the right to exercise only optional, current constitutional control upon the request of the President, the Federation Council, the State Duma, one-fifth of the members of the Federation Council or deputies of the State Duma, Government, the Supreme Court, legislative and executive authorities over compliance of the federal and local legal acts, agreement between federal and local bodies, as well as preliminary constitutional control over international agreements of the Russian Federation which have not come into force, with the Constitution.

In our opinion, the reasons why the drafters of the 1993 RF Constitution deviated from the classical concepts about semi-presidential republic on the whole and the French model of constitutional justice organization, in particular, should be sought in the conditions in which the Constitution was drafted and adopted. According to the opinion of authoritative Russian

constitutional law scholar Suren A. Avakyan, any constitution "is the result of interaction and sometimes even confrontation of various layers, forces, groups existing in society". Such a conclusion is made on the basis of analyzing the events which preceded the adoption of the 1993 RF Constitution when the existing internal political crisis and confrontation of the Supreme Council, on the one hand, and the President, on the other hand, became a reason for the "formal and bloody dispersal of the Supreme Council and the Congress of People's Deputies when one branch of power proved its strength and advantage with the help of tanks" (Avakyan, 2007: 2).

In this regard it becomes clear why the 1993 RF Constitution formalised the dominant position of the President in the system of state authority of the Russian Federation, which undoubtedly does not correspond to the tendencies of its further democratic development, related to ensuring a more balanced power of the state authorities of the Russian Federation, in accordance with the principle of separation of powers" (Pisarev, 2016: 295-307).

In addition, in the specified period of time preceding the adoption of the 1993 RF Constitution, the Constitutional Court of the Russian Federation was involved in political confrontation between the Supreme Council and the President due to a number of objective and subjective factors.

As a result of this, on September 21, 1993, the Constitutional Court adopted a resolution in which the Presidential Decree No 1400 "On the phased constitutional reform in the Russian Federation" and his appeal to the citizens of Russia on September 21,1993 were recognized unconstitutional and being the grounds for the removal of the President of the Russian Federation B.N. Yeltsin from office or putting into effect other special mechanisms of his responsibility following the procedure provided for by the Constitution.

A number of judges of the Constitutional Court (Ernest M. Ametistov, Nikolay V. Vitruk, Anatoly L. Kononov, and Tamara G. Morschakova) not only voted against the approval of this conclusion and expressed their dissenting opinion on this matter, but also announced their refusal to participate in the sessions of the Constitutional Court pending the adoption of the new Constitution and the beginning of the work of the Federal Assembly, i.e. before the implementation of the Presidential Decree of September, 21, 1993.

On October 7, 1993, the President of the Russian Federation issued Decree No 1612 "On the Constitutional Court of the Russian Federation" which highly criticized his activities in connection with the involvement of the Constitutional Court in the political struggle. As it was not possible to hold the sessions of the Constitutional Court until the crisis situation was over, a temporary suspension of Constitutional Court sessions to consider specific cases was announced.

In our opinion, the above-mentioned facts of politicization of the Constitutional Court in the 1990s explain the significant reduction of the Constitutional Court's competencies determined by the previous legislation, for example those connected with the possibility of considering cases on its own initiative, and the French model of constitutional justice organization providing for the implementation of preliminary, mandatory constitutional control over the most important regulatory legal acts was not claimed.

It appears that taking into account the abovementioned uneasy experience of development of domestic constitutional justice, the prospects for further development of constitutional legislation in the Russian Federation should be related to the detailed regulation of measures which would allow, according to Nikolay V. Vitruk, "regardless the body of judges and their personal beliefs to exclude or, at least, make it as difficult as possible to use the Constitutional Court as an instrument of political struggle and to ensure stable and Constitution and law-based activities of this body, its positive role in preserving public peace, consent and tranquility". He also notes that in order to exclude the possibility for politicization of the Constitutional Court in the Federal Constitutional Law of July 21, 1994: "any extraordinary, simplified procedures for initiating and consideration of cases; collegial decision-making by the Constitutional Court is consistently ensured; the possibilities for political maneuvering around the results of voting, motivation of decisions and dissenting opinion of judges are restricted; the decision of the Constitutional Court is supposed to be declared in full; a dissenting opinion of a judge shall be published along with the decision of the Constitutional Court; judges' responsibility to participate in political activities and in political actions has been increased" (Vitruk, 2010: 89).

Taking into account the current tendencies in the Russian Federation for building a democratic and rule-of-law state, ensuring a better balance between the powers of government

bodies of the Russian Federation, in accordance with the principle of separation of powers, as well as pan-European trends in the further expansion of the powers of constitutional control bodies; dependence of the model of constitutional control organization adopted in the Russian Federation on the semi-presidential model of the republican form of government which found its full embodiment in the constitutional structure of France, and also in order to improve the quality of law-making activity, it appears that the Federal Constitutional Law of July 21, 1994 No 1-FKZ "On the Constitutional Court of the Russian Federation", taking into consideration the foreign experience which has been analyzed above and fully justified itself, it is possible to formalize a provision about a mandatory and preliminary consideration in the Constitutional Court of the Russian Federation federal constitutional laws and federal laws based on blanket norms of the Constitution.

Veniamin Ye. Chirkin critically appraises the model of optional constitutional control currently in use in the Russian Federation, which excludes preliminary verification of the constitutionality of the laws prior to their coming into force on the principle "let them pass a law, and then we'll see". In his opinion, "the preliminary verification (even if it does not apply to all kinds of laws) can exclude some errors in a law before its coming into force in order to eliminate the necessary and expensive procedure in the Constitutional Court" (Chirkin, 2017: 130).

4. Results

The limited format of this article does not allow the author to analyse in detail all the changes and additions made to the existing federal constitutional and federal laws, as well as the decisions of the Constitutional Court on finding the provisions of federal laws to be in conflict with the Constitution. However, even this brief analysis points out to the significant quantity of the said decisions which allows a conclusion that improving the quality of legislative activity is significant as well as ensuring the constitutionality of the laws passed, reduction of the costs of implementing complex and lengthy legal procedures for resolving cases of compliance of the Constitutional Court of the Russian Federation with the Constitution on enquiries of federal and local public authorities depend on the introduction in the Russian Federation of preliminary and mandatory constitutional control.

5. Conclusion

Entrusting the Constitutional Court of the Russian Federation with the authority to implement preliminary and mandatory constitutional control over the compliance of federal constitutional and federal laws with the Constitution has several important outcomes:

1. Allows to fully capture the peculiarities of the constitutional and legal status of the Constitutional Court not only as a judicial body designed to resolve legal disputes in judicial procedure but also as a public authority exercising other non-judicial functions of abstract preliminary constitutional control, having a significant impact on securing greater balance of powers of public authorities of the Russian Federation in accordance with the principle of separation of powers.

2. Is more in line with the French model of constitutional control adopted in countries with a semi-presidential form of government, to which the modern constitutional system of state authority organization in the Russian Federation is the closest.

3. Reflects the current trends in the Russian Federation in the construction of a democratic and rule-of-law state and pan-European trends in the further expansion of the powers of constitutional control bodies.

4. It does not threaten the use of the Constitutional Court as an instrument of political struggle, which existed in the period prior to the adoption of the 1993 Constitution, and in many respects caused a significant reduction of the powers of the Constitutional Court provided for in the former legislation to implement mandatory constitutional control.

5. Contributes to the improvement of the quality of the federal constitutional and federal laws adopted, their greater constitutionality, and also significantly minimizes the costs and time for implementing complex legal procedures for resolving cases of the compliance of the Constitutional Court of the Russian Federation with the Constitution upon enquiries of federal and local public authorities.

References

Vitruk, 2010 – *Vitruk N.V.* (2010). Konstitutsionnoe pravosudie. Sudebno-konstitutsionnoe pravo i protsess [Constitutional Justice, Judicial-constitutional law and process: studies]: ucheb. Posobie. Vitruk N.V. 3-e izd. M.: Norma: INFRA-M.

Chirkin, 2017 – *Chirkin V.E.* (2017). Sovremennye organy konstitutsionnogo kontrolya: sravnitel'nyj analiz [Modern constitutional control bodies: a comparative analysis]. Vernost' Konstitutsii: Sbornik materialov mezhdunarodnoj nauchno-prakticheskoj konferentsii, posvyashhennoj 80-letiyu so dnya rozhdeniya N.V. Vitruka. M.: RGUP.

Chirkin, 2003 – *Chirkin V.E.* (2003). Prezident i ispolnitel'naya vlast' v sisteme razdeleniya vlastej: realii sovremennoj Rossii [The President and the Executive Power in the System of Separation of Powers: The Realities of Modern Russia]. Istoriya stanovleniya i sovremennoe sostoyanie ispolnitel'noj vlasti v Rossii. M.: Novaya pravovaya kul'tura.

Constitutional Council of France at the present time, 2015 – Constitutional Council of France at the present time. Appendices: Extract from the Constitution of the French Republic of October 4, 1958. pp. 81-116.

Constitutional Law No 2008-724 – Loi constitutionnelle n° 2008-724 du 23 juillet 2008 de modernisation des institutions de la Ve République. Retrieved from: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019237256.

Decision of the Constitutional Council... – Décision du Conseil constitutionnel de la France n 2009-595. Retrieved from: http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2009/2009-595-dc/communique-de-presse.88484.html.

Constitution of foreign states, 2012 – Konstitutsii zarubezhnykh gosudarstv: Velikobritaniya, Frantsiya, Germaniya, Italiya, Evropejskij Soyuz, Soedinennye Shtaty Ameriki, Yaponiya [The Constitution of foreign States: great Britain, France, Germany, Italy, European Union, United States of America, Japan]: ucheb. posobie. 8-e izd., ispravl. i dop. M.: Infotropik Media.

Klishas, 2010 – *Klishas A.A.* (2010). Osnovnye kontseptsii konstitutsionnogo kontrolya i konstitutsionnogo pravosudiya: politiko-pravovoe osnovanie [Basic Concepts of Constitutional Control and Constitutional Justice: Political and Legal Basis]. *Vestnik ehkonomicheskoj bezopasnosti,* № 7.

Miryasheva, 2015 – *Myrasheva E.V., Pavlikov S.G., Safonov, V.E.* (2015). Sudebnyj konstitutsionnyj kontrol' v Rossii i zarubezhnykh stranakh: istoriya i sovremennost' [Judicial constitutional control in Russia and foreign countries: history and modernity]. Monografiya. M.: Rossijskij gosudarstvennyj universitet pravosudiya.

Constitution of Hungary, 2011 – Constitution – Basic Law of Hungary of April 25, 2011 [Magyarország Alaptörvénye, 2011. április 25. Retrieved from: https://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1100425.ATV.

Avakyan, 2007 – *Avakyan S.A.* (2007). Strane nuzhna novaja Konstitutsija [The country needs a new Constitution]. The Ezh-JuRIST. № 50. December 21.

Pisarev, 2016 – *Pisarev A.N.* (2016). Aktual'nye problemy konstitutsionnogo prava Rossijskoj Federatsii [Actual problems of the constitutional law of the Russian Federation]. Uchebnoe posobie. M.: RGUP: Textbook. M.: Russian state University of justice. pp. 295-307.