

CONSTITUTION'S SUPREMACY PRINCIPLE AND ITS CERTAIN CHARACTERISTICS

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The article is focused on analyzing certain elements of the Constitution's supremacy principle. The author attempts to answer the question about the system of subjects to whom the mentioned principle is applied, as well as to distinguish it from rule of law and rule-of-law principle.

Based on the results of studying the first of these issues, it has been concluded that the Constitution's supremacy principle should be extended to absolutely all participants of public relations (subjects of public authority, politicians and private individuals). The state and society need a regulatory model of acceptable behavior that would unite everyone (private and public subjects) into a single system.

The author has concluded that rule of law is focused on the fact that the most important public relations related to constitutional rights, freedoms of a person and avcitizen, as well as the competence and powers of public authorities should be exclusively established by law (Act of Parliament).

In terms of establishing the content of the Constitution's supremacy principle, the author has noted that there is currently a problem of its practical application, since executive authorities cannot evade the requirements of laws and by-laws due to their unconstitutionality. The author of the article has suggested own solution to this problem.

The last part of the article is focused on analyzing the content of the rule-of-law principle. According to the author, this principle is decisive, including for the Constitution. The «constitutionality» of the Constitution is ensured through the rule-of-law principle.

Key words: Constitution, Constitution's supremacy principle, law, regulatory legal act, rule of law, rule-of-law principle, Constitutional Court, parliament, politicians, executive authorities.

Introduction

The importance of the Constitution is basically difficult to overestimate. But it becomes more important the more often it is directly applied. The formulated thesis has acquired particular significance in Kazakhstan since the Constitutional Court has begun to operate (January 1, 2023). The Constitutional Court adopted more than 50 regulatory resolutions over the past two years, each of them was obviously accompanied by an active interpretation and application of the relevant constitutional norms. The Court assessed the compliance of certain legal norms with the provisions of the Constitution in most of these resolutions by implementing the *Constitution's supremacy principle*. In this regard, one can argue that this principle is the basic ground for the Constitutional Court's operation, which requires a detailed analysis of its content.

Discussion

The beginning of this work was laid by the author of this article in the previous publication, where, in particular, it was noted that the first step in the direction of establishing the content of the Constitution's supremacy principle should be the answer to the question about the system of those acts, in relation to which

the Constitution has priority. It was concluded that both regulatory legal acts and legal acts of individual application should correspond to the Basic Law. Along with this, attention was also focused on the existing uncertainty in terms of the system of regulatory legal acts, which, in our opinion, should be corrected by making appropriate amendments to the Law of the Republic of Kazakhstan «On Legal Acts» [18].

The next step in the direction of studying the mentioned principle should be answers to questions about the subjects, to whom it is applied, as well as about its content, in particular, and in comparison with other (similar in their characteristics) categories.

Materials and Methods

The article is based on the provisions of the legal doctrine, as well as regulatory legal acts of both Kazakhstan and foreign countries. Special attention was paid to the array of Regulatory Resolutions of the Constitutional Court of the Republic of Kazakhstan. A wide range of scientific analysis methods (comparative and legal, formal and legal, dialectical, etc.) was used while processing this material.

Main Part

A) Subjects of application of the Constitution's supremacy principle

Paragraph 2 of the Article 4 of the Constitution of the Republic of Kazakhstan [9] (hereinafter referred to as the Constitution), indicating that the Basic Law has the highest legal force, says nothing about who should be guided by this provision. Certain explanations on this regard were provided by the Constitutional Court of the Republic of Kazakhstan, noting in one of its Regulatory Resolutions that the legal meaning of the highest legal force and direct effect of the Constitution throughout the country is addressed to all executors of law without any exception, including government agencies [10]. Despite the apparent clarity of this statement, there is unsolved issue in regard to subjects who should be understood as executors of law. Legal enforcement, as indicated in the doctrine, is the activity of state authorities that ensures the implementation of law norms contained in laws and other regulatory legal acts by issuing acts of legal enforcement. Accordingly, citizens cannot be subjects of legal enforcement [15, p. 94, 95]. Does it mean that private individuals (individuals and legal entities of private law) may not apply (may ignore) the Constitution's supremacy principle? The level of problematic nature of this issue may be further aggravated by specific situations, for example, those related to the development of local rule-making acts by private individuals. This problem will be no less important for private law relations arising as a result, for example, of concluding civil contracts. In the latter case, it is worth paying attention to the fact that the Civil Code (the Art. 3) [4] binds only civil legislation to the Constitution, without saying anything about the extent how this provision is applicable to the sphere of free expression of will by private individuals.

The issue on the extent how subjects of political activity, who, taking into account their status, are also not involved in legal enforcement (if we are talking about purely political decisions / actions), are bound by this principle also seems interesting and important along with the specified above. Should they be bound by the provision on the supremacy of the Constitution? In our opinion, this question should certainly be answered in the affirmative way. It is obvious that political activity, being an integral part of democratic processes, cannot be completely removed from the scope of law. And even if we take into account the fact that political activities in most cases are outside the scope of legal regulation, it does not make it possible to ignore the Constitution, which lays down the foundations, first of all, of the constitutional system. And it would be very strange, on the one hand, and very dangerous, on the other, if politicians were exempted from any regulatory standards (restrictions). It is difficult to imagine a politician, who being an element of a democratic and legal state, supports, for example, disregard of the constitutional provision on the inviolability of human dignity or the elimination of check-and-balance system, by justifying this as the freedom of political activity.

Having formulated an intermediate conclusion, it should be emphasized that, in our opinion, the Constitution's supremacy principle must be extended to absolutely all participants in public relations that are manifested in the state. The state and society need a regulatory model of admissible behavior that unites everyone (private and public subjects) into a single system. In order to consolidate society around the achievement of the purposes outlined, first of all, in the Preamble to the Constitution, it is necessary that its norms become an unconditional guideline for each and every one.

B) Correlation between the Constitution's supremacy principle and related terms

It is also important to achieve understanding in the issue of correlation between assonant categories, namely: the supremacy of the Constitution, rule of law and rule-of-law. Analysis of publications focused on constitutional and legal issues demonstrates that there is still no necessary level of consistency and specificity in this issue. For example, A.K. Kanatov, after the conducted analysis of the Regulatory Resolutions of the Constitutional Court, writes: «... the rule-of-law principle is prejudicially (conceptually, automatically) included in the system of principles of constitutionality of regulatory legal acts, which is the basis for the requirement of formal certainty, clarity and consistency of legal regulation, mutual consistency of subject-related norms, including those of different sectoral affiliation (regulatory Resolutions of the Constitutional Court of 22 February 2023 No. 3, of 18 May 2023 No. 14-NP, of 31 August 2023 No. 27-NP and others)». After that, apparently searching for a manifestation of this principle in the Constitution, he cites its Art. 4 and Art. 8, and then claims that «... a more profound definition of the rule-of-law principles was in the «World Justice Project», primarily through the creation of the Rule of Law Index» (emphasis added – T.Ch.) [7]. Perhaps we did not catch something in the reasoning of A.K. Kanatov, but we perceive it like all the above-mentioned principles, in his opinion, mean the same thing, being used as synonymous categories. There is no reason to think otherwise, since his article does not contain indications that the principle of the supremacy of the Constitution, the rule of law and the rule-of-law principle have different substantive content.

The literature also contains attempts of unacceptable simplification of the content of certain of the named principles along with the named approach. O.V. Onishchenko's conclusion that the supremacy of the Constitution is a natural and indisputable thing, and therefore there is no need to justify and prove this supremacy, seems unexpected [13, p. 76]. We can agree with this statement only in terms of establishing the relationship between the supremacy of the Constitution and the rule of law. Indeed, everything looks clear and unambiguous. However, this conclusion cannot be automatically extended to other spheres and aspects.

Rule of Law

Let's start with something simple. *The rule of law* is a principle that determines / prescribes that all regulatory legal acts issued by public administration subjects (executive authorities, other executive agencies, local self-government agencies), by subjects with delegated powers must be consistent with the law from a substantive point of view. In this case, using the terminology of the Law of the Republic of Kazakhstan «On Legal Acts» [11], the law should be understood as: constitutional law, code, consolidated law, law, temporary resolution of the Government of the Republic of Kazakhstan that has the force of law.

This principle, along with others, prescribes that it is the legislative (based on the law) regulation of social relations in society should be in priority. Such a statement follows, among other things, from the principle of separation of powers, according to which, as it is well-known, normative regulation of social relations should be carried out, first of all, by the legislative power (through laws).

Developing the above, it is also worth paying attention to several additional Articles of the Constitution, which, in our opinion, clarify the scope and limits of the application of the rule of law. First of all, we should talk about paragraph 1 of the Art. 39 of the Constitution, which establishes the rule that any restriction of constitutional rights, freedoms of a man and a citizen must be based on the law. In other words, it is exclusively the law (in no case any other regulatory legal act) that must sanction the conditions and limits of such a restriction.

The Constitution also establishes a similar rule for the procedure of exercising the state power in the Republic, which must also be based on laws (paragraph 4 of the Art. 3). Unfortunately, currently we do not have any official explanations of the content of this requirement (made by the Constitutional Court), which makes unresolved the issue regarding the line between legislative and subordinate regulation of the activities of, first of all, executive authorities (executive agencies). As we know, the current legal status of some executive agencies has received legislative regulation (for example, the National Bank of the Republic of Kazakhstan, national security agencies, etc.), while other subjects of the mentioned type (for example, the State security service of the Republic of Kazakhstan) act on the basis of by-laws. Thus, there is still no unity in the country in understanding the above-cited constitutional provision, which obviously should

be corrected. In our opinion, a single and basic rule should be applied in this part: all public authorities, and first of all, executive agencies, must exclusively function on the basis of the law. It is the law, i.e. the Act of Parliament, that should establish the list of powers of the relevant subjects, and first of all those that may be associated with the restriction of constitutional rights and freedoms. Subordinate regulatory legal acts, obviously, can only establish procedures for the implementation of powers initially enshrined in the law. Otherwise, conditions allowing executive agencies to independently (for themselves) establish the scope of their competence and powers will be created. Such an approach is unacceptable in a democratic and legal state. The Constitution of Kazakhstan in this part seems extremely specific – «State power in the Republic is united, is exercised on the basis of the Constitution and laws...».

The rule of law is also manifested in part of defining the boundaries of the competence of the Parliament. It is necessary to pay attention to paragraph 3 of the Art. 61 of the Constitution of Kazakhstan, which lists the areas (issues) when «the Parliament has the right to issue laws». This constitutional norm seems extremely important, since it lays down the necessary boundaries between legislative and subordinate regulation of public relations. In other words, the rule of law, in this part, prescribes that the most important public relations should be exclusively regulated by the law (Act of Parliament). However, in this part, the Constitution, in our opinion, has lack of some clarity. Thus, if we closely look at the wording of paragraph 3 of the Art. 61, we can make a well-founded conclusion that the current version of this paragraph does not lead to an unambiguous conclusion that only the Parliament is vested with the relevant powers. In this part, the Constitution uses the phrase «the Parliament has the right to issue...», which is used along with such a formulation as «The exclusive jurisdiction of the Senate includes...» (paragraph 1 of the Art. 55 of the Constitution). In our opinion, it would be appropriate to use the latter wording when setting out paragraph 3 of the Art. 61 of the Constitution.

Drawing an intermediate conclusion, we can emphasize that the rule of law guides us by the fact that the most important social relations related to constitutional rights, freedoms of a man and a citizen, as well as the competence and powers of public authorities must be established by the law (Act of Parliament), which has legal priority in regard to all subordinate regulatory acts. Moreover, it is important to understand that such a priority must be ensured not only within the framework of one sphere of relations (for example, all regulatory legal acts of the government on environmental issues must comply with the Environmental Code), but also in all other spheres. In other words, any subordinate regulatory legal act must comply with any law adopted in the state.

Constitution's supremacy principle

The Constitution's supremacy principle, in our opinion, should be at the next level of analysis. In this part, we can agree with those authors who believe that the supremacy of the written Constitution in relation to other types of regulatory legal acts is based on the difference of the procedure for its revision from the usual legislative procedure. Based on the impossibility of amending the Constitution by ordinary law, thus, scholars come to the conclusion about the Constitution's strictness, its supremacy over laws and its dominant position in the legal system, which, in fact, should be based on the Constitution [17, p. 173].

This principle from a substantive point of view guides the subjects of law-making activity to the fact that all national regulatory legal acts (both laws and by-laws); all international acts [8, p. 30]; political decisions [19, pp. 17-18], on the one hand, must be consistent with the Constitution, and, on the other hand, must not be applied if there is a discrepancy between them and the provisions of the Constitution. Due to such an understanding of this principle, the consolidation of all sources of law around common (basic) constitutional values and norms is ensured, and the stability (predictability) of legal precedents is guaranteed.

However, formulated above theoretical concept of the Constitution's supremacy principle faces serious difficulties in practice that have not received their final resolution yet.

First of all, it should be noted that this principle, if we talk about its practical application, is immediately burdened by the effect of the *presumption of constitutionality of regulatory legal acts*. The specified presumption obliges courts and other state authorities, including the Constitutional Court, to apply laws and other legal acts, if such laws and acts have not been recognized as unconstitutional [12]. In other words, we are talking about the fact that there is no and cannot be an «automatic» application of

the Constitution's supremacy principle with respect to other regulatory legal acts. Its application, in fact, must be «agreed» by the constitutional control agency or another subject that has been granted the right to assess the compliance of a particular regulatory legal act with the Constitution. In the latter case, we are talking, for example, about administrative courts or courts of general jurisdiction that are authorized to verify the legality, and in fact, the constitutionality of by-laws. It is the reason why administrative courts are sometimes called quasi-constitutional.

Such an approach, excluding the application of the Constitution's supremacy principle by any subject, on the one hand, certainly makes sense. Since the denial of the presumption of the constitutionality of laws and other legal acts is a direct threat to the stability of the constitutional system, because any state authority, before the Constitutional Court makes a corresponding decision, may refuse to implement laws referring their unconstitutionality, and the courts will not apply them in the administration of justice [2]. However, on the other hand, this presumption turns the Constitution's supremacy principle to a greater extent into theoretical construction with a very limited scope of application. If we develop the latter idea, then we can agree with those authors who believe that this principle can only be unambiguously applied when there is a direct and unambiguous inconsistency between the norm of the law or by-law and the norm of the Constitution [2]. However, there will be a few number of such situations. It will be extremely difficult for an executor of law in the overwhelming majority of cases to «take responsibility» and «evade» from the requirement of the law by referring to its unconstitutionality. Thus, despite its «unconstitutionality» the act, in fact, will remain in force; it will be both applied and may become the basis for the adoption of acts with lower legal force [17, p. 172]. The problematic nature of such a situation, in our opinion, is obvious.

In this regard, it is encouraging that the legislator in Kazakhstan does offer a certain solution for such situations. In this case, we are talking about the possibility of the court, which exists in all procedural codes, to suspend proceedings on a case (if there are grounds to believe that the law or other regulatory legal act, which should be applied, infringes on the rights and freedoms of a man and a citizen enshrined in the Constitution) and to appeal to the Constitutional Court of the Republic of Kazakhstan with a motion to recognize this act as unconstitutional (Part 3 of the Art. 7 of the Administrative Procedural and Process-Related Code of the Republic of Kazakhstan) [1]. However, despite all the positive aspects of such regulation, we can observe an «old» problem there, indicating that the state is not ready to sanction the direct and immediate application of the Constitution's supremacy principle, even by the court. As we can see, the court is not authorized to answer the question of the compliance of even the lowest (weakest) regulatory legal acts with the Constitution. The legislator believed that this issue constitutes the exclusive competence of the Constitutional Court.

The similar situation with regard to the activities of executive authorities appears even more complicated. The legislator has not provided for them (with the exception of the Prime Minister) any possibility at all to raise the issue for the Constitutional Court on the inconsistency of a particular legal act with the Constitution. In other words, an «unconstitutional» regulatory legal act must always and under any circumstances be applied by the mentioned subjects in the course of their activities. It is obvious that such a conclusion looks, at least, as worrying against the background of theoretical content of the Constitution's supremacy principle. In this regard, we believe that it is necessary to provide executive authorities (by analogy with the courts) with the opportunity to raise the issue for the Constitutional Court on the unconstitutionality of regulatory legal acts. In order to consolidate all possible appeals and to eliminate unnecessary duplication, such appeals could be submitted to the Prime Minister through the Ministry of Justice.

Rule-of-law principle

According to prof. S. Golovaty rule-of-law principle undoubtedly occupies one of the central places in the existing system of «three supremacies» [3, p. 113].

First of all, it is worth noting that this principle, on the one hand, is the «youngest» among the above-mentioned principles (it has been started to be mentioned not so long ago), and, on the other hand, the least specified (at least at the level of domestic legal literature). We can use certain provisions of the article by academician Zh.S. Elyubaev as an example for the latter statement, where he writes: «There

are various approaches in theory to understand the term of «rule-of-law». Some believe that it is a legal doctrine, according to which no one can be above the law, everyone is equal before the law, no one can be punished except in accordance with the procedure established by law and only for its violation. Others define the «rule-of-law» as a stable system of legislation, state and public institutions, principles and rules of community life ensuring the implementation of four universal principles: responsibility, fairness of laws, management transparency, accessibility and impartiality of justice. There are other approaches, but their essence is limited to one thing: there should be the «supremacy of law» in the country, society, interstate relations [6]. At the same time, academician Zh.S. Elyubaev does not formulate his own, complete definition of this category, and does not explain what is meant by the «supremacy of law».

We do not find too many specifics in the issue of the correlation between the mentioned principles. For example, academician M.K. Suleimenov writes on this matter that the «rule-of-law principle, under a narrow (normative, legalistic) understanding of law, will express the rule-of-law in the whole as a set of norms, and the rule of law will reflect the hierarchy of normative legal acts, headed by the law» [16]. We do not clearly understand from this reference (under a narrow understanding of law, and, by the way, is such an understanding acceptable in the current conditions?) the difference between the rule-of-law and the rule of law. Can these two principles coexist with a normative understanding of law, where, as we know, there is no law outside the framework of official regulatory legal acts?

Besides, the large problem of all discussions on the rule-of-law topic can be summarized by the fact that the formulated approaches are hardly applicable to practice. It is obvious that the named principles should exist not only at the doctrinal level, but also determine both the development of normative regulation and the substantive aspects of legal enforcement. In other words, these principles should become the «weapon» of every lawyer, and above all, judges in their search for good and justice.

In this regard, the main reference point in understanding the rule-of-law principle for us is the Report on the rule of law adopted by the Venice Commission at its 86th plenary session (25-26 March 2011) [5], which was developed with the aim of helping interested parties to apply the mentioned principle in their activities. Along with this, we should note that some provisions of this Report can be further detailed and clarified. Thus, we are interested, in particular, in the issue of the correlation between the rule-of-law principles and the supremacy of the Constitution.

The reason for searching for an answer to the formulated question was the problem of «control» over the Constitution. The Constitution, being the central and fundamental legal act of any state, nevertheless, must itself remain «constitutional». Such a formulation may seem controversial, but this issue, nevertheless, requires its solution. It is obvious that when all democratic and legal states unite around common goals and standards in the current conditions, their constitutions are also influenced by the corresponding globalization changes. In other words, the constitution of a democratic and legal state must meet a certain set of requirements, where the central place is occupied by the rights and freedoms of a man and a citizen. In this regard, we believe that it is permissible to consider the rule-of-law principle as one of the main criteria for determining the «constitutionality» of the Constitution.

The formulated by us suggestion is consistent with the opinion of other researchers who, like us, are inclined to consider the rule-of-law as an idea going to the global, interstate level. In this regard Prof. D. Palombella, in particular, writes: «the rule-of-law presupposes the action of a certain law that would oppose power, limit it, or even serve as a counterbalance, regardless of the form and structure of power and who possesses it. ... » [14, p. 71]. This idea is further developed by Prof. M. Troper, who reasonably asserts that «there is a certain set of principles that make up «constitutionality legality», which is located even over the constitution and the constitution must comply with that set of principles. Constitutional provisions, in particular amendments that contradict these principles, are subject to cancellation by the Constitutional Court. This concept reflects the ideology of natural law, since it elevates the compliance with supra-legal principles to the quality of a condition for the validity of positive norms» [17, p. 177, 178].

Conclusions

The effectiveness of constitutional proceedings certainly depends not only on the relevant Law of the Republic of Kazakhstan «On the Constitutional Court of the Republic of Kazakhstan». It is also important that the provisions of this Law are in systemic relationships with other regulatory legal acts,

as well as the provisions of the legal doctrine. Without this, it will be impossible to ensure, in particular, the implementation of the principles of constitutional proceedings, the content of which is revealed, first of all, in scientific literature. According to the conducted study, there is still no unity of views among the scientific community in terms of understanding the specified principles. Such theoretical underdevelopment will inevitably negatively affect the functioning of the Constitutional Court, which needs doctrinal support for its activities more than other courts. The main objective in terms of revealing the content of the named principles should be reduced to such elaboration that should determine their clear boundaries, as well as offer working mechanisms for using the latter both in the sphere of constitutional proceedings and in other areas of legal enforcement activity.

Т.В. Чехович, з.ғ.д., доцент, Maqсут Narikbayev University Жоғары құқық мектебінің Teaching Professor-ы (Қазақстан Республикасы, Астана): Конституция үстемдігі қағидасы және оны жеке сипаттамалары.

Мақала Конституция үстемдігі қағидасының жекелеген элементтерін талдауға арналған. Автор аталған қағида қолданылатын субъектілер жүйесі туралы сұраққа жауап беруге, және оны заң үстемдігі қағидасы мен құқық үстемдігі қағидасынан ажыратуға тырысады.

Аталған мәселелердің біріншісін зерттеу нәтижелері бойынша Конституция үстемдігі қағидасы қоғамдық қатынастардың барлық қатысушыларына (жария билік субъектілеріне, саясаткерлер мен жеке тұлғаларға) бірдей таралуы керек деген қорытынды жасалды. Мемлекет пен қоғамға барлығын (жеке және жария субъектілерді) бірыңғай жүйеге біріктіретін, жарамды мінез-құлықтың нормативтік моделі қажет.

Автор заң үстемдігі қағидасы адамның және азаматтың конституциялық құқықтарына, бостандықтарына, сондай-ақ мемлекеттік органдардың құзыреттері мен уәкілеттіктеріне қатысты ең маңызды қоғамдық қатынастарды тек заңмен (парламент актісімен) белгілеу керек деген қорытындыға келді.

Конституция үстемдігі қағидасының мазмұнын белгілеу бөлігінде автор бүгінгі күні оны іс жүзінде қолданудың проблемасы бар екенін көрсетеді, себебі атқарушылық типтегі органдар заңдар мен заңға тәуелді актілердің талаптарын орындаудан олардың Конституцияға қайшы келуіне байланысты жалтара алмайды. Мақалада осы мәселенің авторлық шешімі ұсынылған.

Мақаланың соңғы бөлімі құқық үстемдігі қағидасының мазмұнын талдауға арналған. Автордың пікірінше, бұл қағида Конституция үшін де шешуші болып табылады. Құқық үстемдігі арқылы Конституцияның «конституциялығы» қамтамасыз етіледі.

Кілт сөздер: Конституция, Конституция үстемдігі қағидасы, заң, заңға тәуелді нормативтік құқықтық акт, заң үстемдігі қағидасы, құқық үстемдігі қағидасы, Конституциялық Сот, парламент, саясаткерлер, атқарушылық типтегі билік органдары.

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Статья посвящена анализу отдельных элементов принципа верховенства Конституции. Автор делает попытку ответить на вопрос о системе субъектов, на которых распространяется свое действие названный принцип, а также провести его отграничение от принципа верховенства закона и принципа верховенства права.

По результатам исследования первого из названных вопросов сделан вывод, что принцип верховенства Конституции должен быть распространён абсолютно на всех участников общественных отношений (субъектов публичной власти, политиков и частных лиц). Государству и обществу необходима, связывающая всех (частных и публичных субъектов) в единую систему, нормативная модель допустимого поведения.

Автором сделан вывод, что принцип верховенства закона ориентирует на то, что наиболее важные общественные отношения, которые касаются конституционных прав, свобод человека и гражданина, а также компетенции и полномочий органов публичной власти должны устанавливаться исключительно законом (актом парламента).

В части установления содержания принципа верховенства Конституции автор указывает, что на сегодняшний день существует проблема его практического применения, поскольку органы исполнительского типа не могут уклониться от выполнения требований законов и подзаконных актов по причине их неконституционности. В статье предлагается авторское решение данной проблемы.

Последняя часть статьи посвящена анализу содержания принципа верховенства права. По мнению автора, данный принцип является определяющим, в том числе, и для Конституции. Посредством верховенства права обеспечивается «конституционность» Конституции.

Ключевые слова: Конституция, принцип верховенства Конституции, закон, подзаконный нормативный правовой акт, принцип верховенства закона, принцип верховенства права, Конституционный Суд, парламент, политики, органы власти исполнительского типа.

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