



ORIGINAL PAPER

Protection of the democratic system in the constitutions of European states from the former communist bloc. Introduction to the issue

Paweł Skorut¹⁾

Abstract:

The problem of protecting the political system has always been a challenge for constitutionalists. This issue became a special challenge for the states which, after 1989, started creating a new political system, democracy. It seems that especially these countries understood what totalitarian governments, which do not respect any civil or even constitutional rights, mean. Therefore, along with the creation of new constitutions, countries from the former communist bloc sought to include in their basic laws, solutions that would protect democracy.

The system of defense of the democratic system contained in the constitutions of Central and Eastern European countries is not uniform. The solutions adopted in the constitution were very often a consequence of not only historical experiences, but also the individual way of overthrowing the communist regime in a given country. Nevertheless, among some constitutional solutions, it is possible to find common directions that identify these states as post-communist areas, creating a democratic system on the foundations of the revolution of 1989.

Keywords: *democracy; constitutional law; protection of the political system.*

¹⁾ Assistant of Professor, Phd, Paweł Skorut – Institute of Political Sciences and Administration at Pedagogical University in Cracov. Poland, Phone: (0048) 602220982; Email: pawel.skorut@up.krakow.pl .

Protection of the democratic system in the constitutions of European states ...

Introduction

After the collapse of the communist system in the countries of Central and Eastern Europe, after 1989, new political systems were built, which were based on the principles of democracy. The consequences of the political and social transformations that had started in Eastern Europe were, among others, preparation and enactment of almost twenty new new constitutions that provide legal protection for a reborn democracy.

In order to maintain the intended goal - i.e. the protection and development of democracy, and thus the political system - many countries have included in their constitutional solutions, inter alia, legal norms protecting newly established political regimes. Often the opposite of these provisions were and are constitutional regulations, which indicate, for example, offices to protect the provisions of the constitution or prohibit anti-democratic activities by their provisions.

Preambles

One of the first places where the idea of protecting a new political regime was often included - although usually indirectly - are the constitutional preambles. In these solemn introductions to the basic body of law, usually the statement of the sovereign who was identified as e.g.: *We, the citizens of the Czech Republic* (Preamble to the Czech Constitution, 1992); *We, the Members of the Seventh Grand National Assembly* (Preamble to the Bulgarian Constitution, 1991); *We, the Members of the Hungarian Nations* (Preamble to the Hungarian Constitution, 2011); *We, the Polish Nation – all citizens of the Republic* (Preamble to the Poland Constitution, 1997).

It is worth mentioning that the sovereign's statement regarding the protection of the new political system was often derived from the principles of a) sense of care for the state e.g. *Having regard for the existence and future of our Homeland* (Preamble to the Poland Constitution, 1997); b) present and future generations e.g.: *proceeding from the responsibility for our Fatherland before the present and future generations* (Preamble to the Russian Federation Constitution, 1993).

Very often the element preceding the declaration of will to create a democratic state is the reference in the preambles to: a) universal values, that is peace and humanitarianism (Preamble to the Bulgarian Constitution, 1991), human dignity (Preamble to the Czech Constitution, 1992), universal values (Preamble to the Poland Constitution, 1997); b) spiritual values of a specific country that uniquely identify the nation and its cultural traditions. So for example: *true to all the good traditions of the ancient statehood lands of Czech and Czechoslovak statehood* (Preamble to the Czech Constitution, 1992); *mindful of the spiritual bequest of Cyril and Methodius, and the historical legacy of Great Moravia* (Preamble to the Slovakia Constitution, 1992); *recalling the best traditions of the First and the Second Republic* (Preamble to the Poland Constitution, 1997).

A strong argument, additionally mentioned in the preambles, and being a premise for creating a democratic system, is the marking of the historical thread. Or rather, a centuries-old effort to build an independent state, which is noticeable in countries with a very short history of statehood (Constitution of Slovakia, 1992 and Constitution of Ukraine, 1996) or the memory of the time when it was impossible to care for human and civil rights (Constitution of Poland, 1997).

State system

In most European countries, the first chapter of the constitution contains regulations relating to the state system. They include those provisions which constitute the foundation of both the political regime for which the constitution is written and which constitute the basis for further elaboration in subsequent parts (chapters) of the basic laws. Therefore, it should not be surprising that the constitutions of the states which underwent system transformation after 1989 also included information about the democratic system in the above-mentioned part.

Most often, information about the declared democratic system is associated with the concept of the rule of law. Many times, therefore, among the first constitutional norms, one can find declarations ensuring a democratic state of law (Art. 1 of Constitution of Czech and Art. 2 of Constitution of Poland). Although in modern science on the state and law, there are many definitions of the principle of a democratic state ruled by law, it can be stated that most definitions state that it is a state whose public authorities can act only on the basis and within the law. Additionally, they can only operate in areas not prohibited by law (P. Wiczorek, *Commentary on the Polish Constitution*). In modern science on the state and law, the principle of a democratic state of law is often associated with as many as eight issues: 1) the sovereignty of the nation, 2) freedom and equality before the law, 3) the constitution as the fundamental legal order and the highest legal norm, 4) the law as the basis and limit of all actions for the state, 5) division of powers and assignment of state functions and mutual control of authorities, 6) judicial protection, 7) responsibility of state organs, 8) prohibition of the state from taking actions beyond the need (B. Banaszek, *Constitution of Republic of Poland. Commentary*). All the above-mentioned issues are included and regulated in the constitutions of post-transformation countries, which affects the security of the democratic system. Another issue that proves the security of the democratic political regime in the countries of the former communist camp is the constitutional provision which guarantees sovereigns the direct participation of electing representatives to the legislative bodies.

Although this principle seems to be an elementary issue in a democracy, during the years of communist enslavement, voting for parliamentary bodies took place only for candidates entered on the electoral lists e.g.: Fatherland Front in Bulgaria, National Front in Czechoslovakia, Nacional Unity Front in Poland and Front of Socialist Unity in Romania.

A constitutional solution that is directly related to the protection of the democratic system, and is often practiced by countries in Central and Eastern Europe, is a constitutional guarantee of political pluralism. This principle is enshrined in the constitutions in two ways. Is directly referenced in a constitutional norm, e.g.: art. 11.1. *Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism* (Constitution of Bulgaria, 1991) or art. 8.1. *Pluralism in the Romanian society is a condition and guarantee of constitutional democracy* (Constitution of Romania, 1991). The second form is an indirect mention of party pluralism, consisting in giving citizens the right to create many political organizations, e.g. art. 5 *The political system is based on free and voluntary formation of and free competition of political parties respecting fundamental democratic principles and rejecting violence as a means of promoting their interests* (Constitution of Czech, 1992) or art. 11.1. *The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of*

Protection of the democratic system in the constitutions of European states ...

voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means (Constitution of Poland, 1997).

Constitutional ban - in defense of democracy

An issue inherent in the constitutionalization of pluralism is the inclusion in constitutional norms by most Central and Eastern European countries of the ban on the existence of undemocratic political parties. The adoption of such a constitutional solution is undoubtedly a consequence of the political experiences of 1944-1989. It must be admitted that there is no single model of a constitutional norm that would be reproduced among the basic laws of the aforementioned countries. For example, the Polish Constitution of 1997 devoted a separate article to this issue, in which it was stated that the existence of political parties or organizations which refer in their programs to the totalitarian methods and practices of Nazism, fascism and communism is prohibited (Art. 13 of Constitution of Poland, 1997). However, such a direct solution is not a common practice, as Lithuanian constitutional legislation prohibits the existence of political parties whose goals and activities are contrary to its constitution and laws (art. 35 of Constitution of Lithuanian, 1992). Another solution was adopted in Ukraine. Pursuant to the constitution of this state, the existence of political parties whose purpose would be the liquidation of Ukraine, the replacement of the constitutional system by force and the violation of the sovereignty and territorial integrity of the state was prohibited (Art. 37 of Constitution of Ukraine, 1996).

Not all countries from the former communist bloc adopted in their constitutional text solutions directly relating to the prohibition of the existence of specific political parties. Another practice used is to enter into the text of the constitution a norm providing for the possibility of limiting the right to act of political parties for the sake of state security, protection of public order, prevention of criminal acts or to protect the rights and freedoms of others (Art. 23.7 of Constitution of Slovakia, 1992).

Table no 1. The guarantee of political pluralism in in the constitutions of European states from the former communist bloc

Country	Constitution article number	Text
Bulgaria	Art. 11.1-3	(1) Political activity in the Republic of Bulgaria shall be founded on the principle of political pluralism. (2) No political party or ideology shall be proclaimed or affirmed as a party or ideology of the State. (3) All parties shall facilitate the formation and expression of the citizens' political will. The procedure applying to the formation and dissolution of political parties and the conditions pertaining to their activity shall be established by law.
Croatia	Art. 6	The right to establish political parties shall be unrestricted. The internal structure of political parties shall comply with fundamental constitutional democratic principles. Political parties shall publicly disclose the sources of their finances and assets. (...)The status and financing of political parties shall be regulated by law.
Czech Republic	Art. 5	The political system is founded on the free and voluntary formation of and free competition among those political parties which respect the fundamental democratic principles and which

PAWEL SKORUT

		renounce force as a means of promoting their interests.
Estonia	§ 48	Everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.
Lithuania	Art. 35	Citizens shall be guaranteed the right to freely form societies, political parties, and associations provided that the aims and activities thereof are not contrary to the Constitution and laws. No one may be compelled to belong to any society, political party, or association. The founding and activities of political parties and other political and public organisations shall be regulated by law.
Latvia	Art. 102	Everyone has the right to form and join associations, political parties and other public organisations.
Poland	Art. 11.1	The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
Romania	Art. 8	(1) Pluralism in the Romanian society is a condition and guarantee of constitutional democracy. (2) Political parties shall be constituted and shall pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order and the principles of democracy.
Slovakia	Art. 29.1,4	(1) The right of free association shall be guaranteed. Everyone has the right to associate freely with others in unions, societies or other associations. (4) Political parties and political movements, as well as unions, societies or other associations shall be separate from the State.
Slovenia	Art. 42	The right of peaceful assembly and public meeting shall be guaranteed. Everyone has the right to freedom of association with others. (...) Professional members of the defence forces and the police may not be members of political parties.
Hungary	Art. VIII.3-4	(3) Political parties may be formed and may operate freely on the basis of the right to association. Political parties shall participate in the formation and expression of the will of the people. Political parties may not exercise public power directly. (4) The detailed rules for the operation and management of political parties shall be laid down in a cardinal Act.

Source: Author's own compilation

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Protection of the democratic system in the constitutions of European states ...

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Table No. 2 Constitutional ban in the constitutions of European countries of the former communist bloc

Country	Constitution article number	Text
Bulgaria	Art. 11.4	There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.
Croatia	Art. 6	(...) Political parties which, in their platforms or by violent action, intend to undermine the free democratic order or threaten the existence of the Republic of Croatia shall be deemed unconstitutional. The Constitutional Court of the Republic of Croatia shall decide on such unconstitutionality..
Czech Republic	Art. 5	The political system is founded on the free and voluntary formation of and free competition among those political parties which respect the fundamental democratic principles and which renounce force as a means of promoting their interests.
Estonia	§ 48	(...) The establishment of associations and federations which possess weapons, which are organised in accordance with military principles or which hold exercises of a military nature requires a prior authorisation whose conditions of issuance and procedure of issuance are provided by law. Associations, federations and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force or are otherwise in conflict with a law providing criminal liability, are prohibited. Only a court may terminate or suspend the activities of an association, federation or political party for a violation of the law, or order the association, federation or political party to pay a fine.
Lithuania	Art. 35	Citizens shall be guaranteed the right to freely form societies, political parties and associations, provided that the aims and activities thereof are not contrary to the Constitution and laws. No one may be compelled to belong to any society, political party, or association. The founding and activities of political parties and other political and public organisations shall be regulated by law.
Latvia	-	-
		Political parties and other organizations whose programmes

PAWEL SKORUT

Poland	Art. 13	are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.
Romania	-	-
Slovakia	Art. 29.2-3	2) Citizens have the right to establish political parties and political movements and to associate in them. 3) The exercising of rights under paragraphs 1 and 2 may be restricted only in cases laid down by law, if it is necessary in a democratic society for reasons of state security, to protect public order, to prevent criminal acts, or to protect the rights and freedoms of others.
Slovenia	Art. 42.	(...) Everyone has the right to freedom of association with others. Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.
Hungary	-	-

Source: Author's own compilation

The office of president

Although in every country of Central and Eastern Europe the office of the president was restored or maintained after 1989, the powers of this body differ from one country to another. However, it can be noted that in some countries this office was granted, for example, the right to participate in the protection of democracy or the constitutional order. The Hungarian Constitution of 2011 states that the president of the republic is not only the head of state but also the guardian of the democratic functioning of the state (Art. 9.1 of Constitution of Hungary, 2011). A similar provision was included in the Polish Constitution of 1997, where the presidential office was assigned the obligation to ensure compliance with the Constitution (Art. 126.1 of Constitution of Poland, 1997). The role of the president was described much more strongly in the Ukrainian Constitution of 1996, which was assigned the role of the guarantor of compliance with the Constitution of Ukraine and the rights and obligations of citizens (Art. 102 of Constitution of Ukraine, 1996). A consequence of the significant role of the presidential office is that it has the right to submit applications to the judicial body supervising the observance of the constitution. The extent to which this right is exercised varies among countries. However, the enrichment of the presidential office with such powers proves that the constitutionally assigned role is not an empty activity, behind which there are no specific solutions.

Count of constitution

Constitutional courts are essential elements which also serve to protect the constitutional order. They were designated by the state in basic laws to adjudicate in cases of noncompliance of statutes or other legal acts with the constitution. Additionally, these courts adjudicate on human and civil rights issues, which is undoubtedly a component of the functioning of a full democracy.

The decisions of the constitutional courts are final. Which means they can no longer be challenged. Thus, there is no so-called circumvent the constitution, contrary to

Protection of the democratic system in the constitutions of European states ...

its provisions. Attention should also be paid to the submission of judgments on the compliance of party programs with constitutional guidelines among the duties of constitutional courts. Constitutional courts have often been assigned the right to ban political parties. This is also a great advantage of this type of court, which plays a significant role in maintaining the constitutional order in post-communist countries.

Table No. 3 The constitutional courts in European countries of the former communist bloc

Country	Court	The scope of the adjudication	The applicant
Bulgaria	Constitutional Court	<ol style="list-style-type: none"> 1. provide binding interpretations of the Constitution; 2. rule on constitutionality of the laws and other acts passed by the National Assembly and the acts of the President; 3. rule on competence suits between the National Assembly, the President and the Council of Ministers, and between the bodies of local self-government and the central executive branch of government; 4. rule on the compatibility between the Constitution and the international treaties concluded by the Republic of Bulgaria prior to their ratification, and on the compatibility of domestic laws with the universally recognized norms of international law and the international treaties to which Bulgaria is a party; 5. rule on challenges to the constitutionality of political parties and associations; 6. rule on challenges to the legality of the election of the President and Vice President; 7. rule on challenges to the legality of an election of a Member of the National Assembly; 8. rule on impeachments by the National Assembly against the President or the Vice President. <p>(...)</p>	<p>(1) The Constitutional Court shall act on an initiative from not fewer than one-fifth of all Members of the National Assembly, the President, the Council of Ministers, the Supreme Court of Cassation, the Supreme Administrative Court or the Prosecutor General (...)</p> <p>(3) The Ombudsman may approach the Constitutional Court with a request for declaring as unconstitutional a law which infringes human rights and freedoms.</p>
Croatia	The Constitutional Court of the Republic of Croatia	<ol style="list-style-type: none"> 1) shall decide upon the compliance of laws with the Constitution, 2) shall decide upon the compliance of other regulations with the Constitution and laws, 3) may decide on the constitutionality of laws and the constitutionality and legality of other regulations which are no longer valid, provided that less than one year has elapsed from the moment of such cessation until the filing of a request or a proposal to institute proceedings, 4) shall decide on constitutional petitions 	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>

PAWEL SKORUT

		<p>against individual decisions taken by governmental agencies, bodies of local and regional self-government and legal persons vested with public authority where such decisions violate human rights and fundamental freedoms, as well as the right to local and regional self-government guaranteed by the Constitution of the Republic of Croatia,</p> <p>5) shall monitor compliance with the Constitution and laws and shall report to the Croatian Parliament on detected violations thereof,</p> <p>6) shall decide upon jurisdictional disputes between the legislative, executive and judicial branches,</p> <p>7) shall decide, in conformity with the Constitution, on the impeachment of the President of the Republic,</p> <p>8) shall supervise compliance of the platforms and activities of political parties with the Constitution and may, in compliance with the Constitution, ban non-compliant parties,</p> <p>9) shall monitor whether elections and referenda are conducted in compliance with the Constitution and laws and shall resolve electoral disputes falling outside the jurisdiction of the courts</p>	
<p style="text-align: center;">Czech Republic</p>	<p style="text-align: center;">The Constitutional Court</p>	<p>1) to annul statutes or individual provisions thereof if they are in conflicts with the constitutional order;</p> <p>2) to annul other legal enactments or individual provisions thereof if they are in conflict with the constitutional order, a statute;</p> <p>3) over constitutional complaints by the representative body of a self-governing region against an unlawful encroachment by the state;</p> <p>4) over constitutional complaints against final decisions or other encroachments by public authorities infringing constitutionally guaranteed fundamental rights and basic freedoms;</p> <p>5) over remedial actions from decisions concerning the certification of the election of a Deputy or Senator;</p> <p>6) to resolve doubts concerning a Deputy or Senator's loss of eligibility to hold office (...);</p> <p>7) over a constitutional charge brought by the Senate against the President of the Republic pursuant;</p> <p>h) to decide on a petition by the President of the Republic seeking the revocation of</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>

Protection of the democratic system in the constitutions of European states ...

		<p>a joint resolution of the Chamber of Deputies and the Senate;</p> <p>i) to decide on the measures necessary to implement a decision of an international tribunal which is binding on the Czech Republic, in the event that it cannot be otherwise implemented;</p> <p>j) to determine whether a decision to dissolve a political party or other decisions relating to the activities of a political party is in conformity with constitutional acts or other laws;</p> <p>k) to decide jurisdictional disputes between state bodies and bodies of self-governing regions, unless that power is given by statute to another body.</p>	
Estonia	-	-	-
Lithuania	The Constitutional Court	<p>The Constitutional Court shall decide whether the laws and other acts of the Seimas are not in conflict with the Constitution and whether the acts of the President of the Republic and the Government are not in conflict with the Constitution or laws. The status of the Constitutional Court and the procedure for the execution of its powers shall be established by the Law on the Constitutional Court of the Republic of Lithuania.</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>
Latvia	The Constitutional Court	<p>In Latvia, there shall be a Constitutional Court, which, within its jurisdiction as provided for by law, shall review cases concerning the conformity of laws with the Constitution, as well as other cases conferred within the jurisdiction thereof by law. The Constitutional Court is entitled to declare laws or other enactments or parts thereof invalid.</p>	<p>The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court</p>
Poland	The Constitutional Tribunal	<p>The Constitutional Tribunal shall adjudicate regarding the following matters:</p> <ol style="list-style-type: none"> 1. the conformity of statutes and international agreements to the Constitution; 2. the conformity of a statute to ratified international agreements whose ratification required prior consent granted by statute; 3. the conformity of legal provisions issued by central State organs to the Constitution, ratified international agreements and statutes; 4. the conformity to the Constitution of the purposes or activities of political parties (...) 	<ol style="list-style-type: none"> 1) the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 Deputies, 30 Senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Public Prosecutor-General, the President of the Supreme Chamber of Control and the Commissioner for Citizens' Rights, 2) the National Council of the Judiciary;

PAWEL SKORUT

			<p>3) the constitutive organs of units of local government;</p> <p>4) the national organs of trade unions as well as the national authorities of employers' organizations and occupational organizations;</p> <p>5) churches and religious organizations (...)</p>
<p>Romania</p>	<p>The Constitutional Court</p>	<p>1) to adjudicate on the constitutionality of laws, before the promulgation;</p> <p>2) to adjudicate on the constitutionality of treaties or other international agreements;</p> <p>3) to adjudicate on the constitutionality of the Standing Orders of Parliament, upon notification by the president of either Chamber;</p> <p>4) to decide on objections as to the unconstitutionality of laws and ordinances, brought up before courts of law or commercial arbitration; the objection as to the unconstitutionality may also be brought up directly by the Advocate of the People;</p> <p>5) to solve legal disputes of a constitutional nature between public authorities, at the request of the President of Romania, one of the presidents of the two Chambers, the Prime Minister, or of the president of the Superior Council of Magistracy;</p> <p>6) to guard the observance of the procedure for the election of the President of Romania and to confirm the ballot returns;</p> <p>7) to ascertain the circumstances which justify the interim in the exercise of the office of President of Romania, and to report its findings to Parliament and the Government;</p> <p>8) to give advisory opinion on the proposal to suspend from office the President of Romania;</p> <p>9) to guard the observance of the procedure for the organization and holding of a referendum, and to confirm its returns;</p> <p>10) to check the compliance with the conditions for the exercise of the legislative initiative by citizens;</p> <p>11) to decide on the objections of unconstitutionality of a political party;</p>	<p>the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the Advocate of the People, a number of at least 50 deputies or at least 25 senators, as well as ex officio, on initiatives to revise the Constitution</p>

Protection of the democratic system in the constitutions of European states ...

		12) to carry out also other duties stipulated by the organic law of the Court	
Slovakia	The Constitutional Court of the Slovak Republic	<p>1) laws with the Constitution, constitutional laws and international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law;</p> <p>2) government regulations, generally binding legal regulations of Ministries and other central state administration bodies with the Constitution, with constitutional laws, with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law and with laws;</p> <p>3) generally binding regulations with the Constitution, with constitutional laws and with international treaties to which the National Council of the Slovak Republic has expressed its assent and which were ratified and promulgated in the manner laid down by a law, save another court shall decide on them.</p>	<p>1. not less than one-fifth of all members of the National Council of the Slovak Republic;</p> <p>2. the President of the Slovak Republic;</p> <p>3. the Government of the Slovak Republic;</p> <p>4. any court;</p> <p>5. the Attorney-General,</p> <p>6. the Chairman of the Judicial Council of the Slovak Republic;</p> <p>7. the Public Defender of Rights;</p> <p>8. the Supreme Audit Office</p>
Slovenia	The Constitutional Court	<p>1) on the conformity of laws with the Constitution;</p> <p>2) on the conformity of laws and other regulations with ratified treaties and with the general principles of international law;</p> <p>3) on the conformity of regulations with the Constitution and with laws;</p> <p>4) on the conformity of local community regulations with the Constitution and with laws;</p> <p>5) on the conformity of general acts issued for the exercise of public authority with the Constitution, laws, and regulations;</p> <p>6) on constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts;</p> <p>7) on jurisdictional disputes between the state and local communities and among local communities themselves;</p> <p>8) on jurisdictional disputes between courts and other state authorities;</p> <p>9) on jurisdictional disputes between the National Assembly, the President of the Republic, and the Government;</p> <p>10) on the unconstitutionality of the acts</p>	The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court

PAWEL SKORUT

		and activities of political parties; and 11) on other matters vested in the Constitutional Court by this Constitution or laws	
Hungary	The Constitutional Court	<ol style="list-style-type: none"> 1. examine adopted but not published Acts for conformity with the Fundamental Law, 2. review any piece of legislation applicable in a particular case for conformity with the Fundamental Law at the proposal of any judge, 3. review any piece of legislation applied in a particular case for conformity with the Fundamental Law further to a constitutional complaint, 4. review any court ruling for conformity with the Fundamental Law further to a constitutional complaint, 5. examine any piece of legislation for conformity with the Fundamental Law at the request of the Government, one-fourth of the Members of Parliament or the Commissioner for Fundamental Rights, 6. examine any piece of legislation for conflict with any international agreement, 7. exercise further responsibilities and competences determined in the Fundamental Law and a cardinal Act. 	The Act specifies who is entitled to bring a complaint to institute proceedings before the Constitutional Court

Source: Author's own compilation

Emergency states

Emergency states are an important legal solution, also intended to be used to protect the democratic regime in the described countries. The regulation of the procedure for their introduction is often described in the basic laws of individual countries, which also include the reasons for which they may be introduced. States of emergency, which usually include the state of war and the state of emergency, are defined as a special legal regime that is triggered when normal constitutional solutions are not sufficient (L. Mażewski, *Public securite*). Among the justified reasons for the introduction of a state of emergency, two issues are often mentioned: a) protection of the constitutional order, b) coup d'état (Art. 230 of Constitution of Poland, Art. 48.1.b of Hungarian Constitution).

Clearly, the above-mentioned reasons may constitute the main threat to the durability of the democratic system in individual states. Interestingly, each time the legislator foresaw - upon the introduction of a state of emergency - the possibility of suspending some civil rights and freedoms. Another consequence of the introduction of a state of emergency is often the constitutional consent to the use of military troops. The introduced state of emergency is usually limited in time by the legislator, and usually in the constitutional provision there is a provision prohibiting the introduction of a new state of emergency for the same reason (Art. 223 of the Polish Constitution).

Conclusions

As indicated in the article, the states of Central and Eastern Europe included in their constitutional content regulations that either directly or indirectly contribute to the protection of the rebuilt democratic system after 1989. Interestingly, among the available solutions used in the democratic regime, you can find both: a) soft, i.e. prevention, b) hard, i.e. compulsion. Importantly, each democratic country, to achieve its goals - including the protection of democracy - maintains the forces of police and army influence, which is obliged to protect this system by swearing an oath of allegiance to the constitution by officers or to maintain the constitutional order.

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Article Info

Received: November 07 2020

Accepted: November 20 2020
