Synthèse / Summary / Kurzfassung / резюме

RÉPUBLIQUE DE BÉLARUS / REPUBLIC OF BELARUS / REPUBLIK BELARUS / РЕСПУБЛИКА БЕЛАРУСЬ

The Constitutional Court of the Republic of Belarus

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CONSTITUTIONAL COURT OF THE REPUBLIC OF BELARUS

SUMMARY
of the National Report for the XVIIth Congress of the Conference of European Constitutional Courts

Role of the Constitutional Courts in Upholding and Applying the Constitutional Principles

1.1. According to Article 116 of the Constitution of the Republic of Belarus review of the constitutionality of normative acts in the State shall be exercised by the Constitutional Court of the Republic of Belarus.

The Constitutional Court of the Republic of Belarus applies the following constitutional principles as a source of normative and guiding principles of activity of the society and the state as well as defining the character and the social nature of the national law: the principle of priority of the human rights and freedoms and guarantees of their exercise; the principle of stability of the constitutional order; the principle of sovereignty of the people; the principle of separation of powers and interaction of public institutions; the rule of law; the principle of supremacy of the Constitution; the principle of immediate (direct) action of the Constitution; the principle of priority of the generally recognised principles of international law.

Among the constitutional principles that enshrine the bases of interaction between the state and the individual the Constitutional Court applies: the principle of mutual responsibility of the state and the citizen; the principle of equality of all before the law; the principle of proportionality of restrictions of the human rights and freedoms with the values protected by the Constitution; the principle of non-retroactivity of the law, except in cases when it mitigates or revokes the responsibility of individuals; the principle of humanity; the principle of justice. When the Constitutional Court assesses the reasonableness of restrictions of rights and freedoms of the individual by law the priority is given to compliance with the principle of proportionality of such restrictions to the constitutionally protected values.

The Constitutional Court also applies the constitutional principles, which may be considered as special because they are fundamental for the functioning of certain spheres of social relations: the principle of state regulation of economic activity in the interests of the individual and society; the principle of guarantees of equal protection and equal conditions for the development of all forms of ownership.

The following constitutional principles applied by the Constitutional Court have fundamental importance for the functioning of justice: the presumption of innocence; the principle of independence of the judiciary in the administration of justice; the principle of access to legal assistance; the principle of compulsory character of judicial decisions for all individuals and officials, etc.

Almost of the acts of the Constitutional Court contain references to the constitutional principles. They represent the basis for the interpretation of the constitutional rules regulating specific social relations by the Constitutional Court as well as for the evaluation to which extent the established legislative regulation complies with the relevant constitutional principles and for the reasoning of its decisions on the merits of the case.

At the same time, when grounding the decision made by references to specific sources of law, the Constitutional Court proceeds from a number of provisions of the Constitution establishing, for example, the role of the Constitution in the legal system of the state as a fundamental source of law (Articles 7.2 and 7.3); the priority of the generally recognised principles of international law and the procedure for the application of international instruments as a source of law (Article 8); legal force of normative legal acts as a source of law (their hierarchy is enshrined in Article 116.4 of the Constitution). These provisions are the criterion for applicability of the sources of law and for the definition of the correlation of their legal force when checking the constitutionality of normative legal acts.

The meaning and the content of the decisions of the Constitutional Court, their structure is regulated by Article 77 of the Law of the Republic of Belarus "On the Constitutional Proceedings" (hereinafter – the Law on the Constitutional Proceedings).

1.2. The term "organic constitutional principle" is not used in the normative legal acts of the Republic of Belarus, in the scientific literature as well as in the acts of law-enforcement bodies of the Republic of Belarus, including courts. In the Belarusian legal doctrine the prevailing point of view is that all the constitutional principles without exception have universal significance, the highest imperative nature, general mandatory character; they define the direction of legal regulation of social relations as well as serve as an initial criterion of legitimacy and legality of actions of state bodies, officials, individuals and other subjects of legal relationships; the stability of the constitutional principles is of particular importance.

At the same time, among organic constitutional principles it is possible to rate the principles contained in section I "Fundamentals of the Constitutional

System" of the Constitution of the Republic of Belarus. These principles have been mentioned in the majority of acts of the Constitutional Court.

In all acts of the Constitutional Court there are constitutional principles defined by the Constitutional Court as fundamental principles: priority of the human rights and freedoms and guarantees of their implementation, mutual responsibility of the State and individuals, democracy, separation of state power and interaction of its bodies, the rule of law, equality and justice, etc. The specifics of legal consolidation of these principles is that a number of such principles are derived from the provisions of sections I, II, IV, VIII of the Constitution, which can be changed only by a referendum, while other sections of the Constitution may be changed and added by the Parliament in the course of the legislative process.

Despite the fact that in the Belarusian legal doctrine there is no delineation of the system of constitutional principles in the explicit and implicit ones, the Constitutional Court has supported the position on the objective existence of both explicit (clearly, openly expressed) and implicit (hidden, implied) constitutional principles.

Thus, direct explicit principles are enshrined in the constitutional provisions stipulating that the Republic of Belarus shall be bound by the principle of supremacy of law (Article 7.1); the Republic of Belarus shall recognise the supremacy of the generally recognised principles of international law and shall ensure the compliance of laws therewith (Article 8.1); the State shall regulate relations among social, ethnic and other communities on the basis of the principles of equality before the law and respect of their rights and interests (Article 14.1); the judicial system shall be based upon the principles of territorial delineation and specialisation (Article 109.2), etc.

The Constitutional Court pointed out the following constitutional principles in the Constitution that can be rated among indirect explicit principles: the principle of priority of the human rights and freedoms and guarantees of their exercise (Article 2.1, Article 21.1, Article 59.1); the principle of mutual responsibility of the state and the individual (Article 2.2); the principle of sovereignty of the people (Article 3); the principle of separation of state power and interaction of its bodies (Article 6); the principle of supremacy of the Constitution (parts two and three of Articles 7.2, 7.3, 8.3, 137.1 and 137.2); etc.

In the case-law of general courts the principles considered by these courts as constitutional, in some cases are stated as a separate argument of the reasoning part of the judgment. The constitutional principles as essential components of the constitutional and legal regulation are most actively used in judgments and decisions of the Constitutional Court.

1.3. Some constitutional principles are present in the Constitution of the Republic of Belarus in the “compressed” form and are revealed from the content of the constitutional provisions as a result of constitutional interpretation and comprehension of the spirit and meaning of constitutional provisions and their system connections.

Implicit constitutional principles are deduced by the Constitutional Court from the constitutional rules both by generalisation and by particularisation.

In case of generalisation the implicit constitutional principles are constructed by identifying new meaning links between several legal rules that are genetically related and interact with each other in the regulation of similar relations.

In case of particularisation the implicit principles are derived from a specific basic principle. In this case they are considered as structural elements of the basic principle being in system connection with each other.

The existence of implicit constitutional principles as the objective reality is predetermined by several factors:

firstly, the laws of dialectics, governing objective and continuous development of the society and the law as a social institution;

secondly, the special nature of the Constitution, which, possessing the properties of a normative legal act, political program, philosophical and ideological manifesto, as well as doctrinal document represent paramount importance for the development of such branches as jurisprudence, political science, philosophy of society, sociology, economics, history.

An important role in establishing and formulating constitutional principles is played by the generally recognised principles and rules of international law. This is conditioned by the constitutional provision on the recognition by the Republic of Belarus of the supremacy of the generally recognised principles of international law and ensuring the compliance of laws therewith.

1.4. Certain provisions on the power of the Constitutional Court to interpret the principles and riles of the Basic Law have been enshrined in legislative acts.

According to Article 54 of the Law of the Republic of Belarus “On the Constitutional Proceedings”, defining the scope of review of the constitutionality of an act, the Constitutional Court, when reviewing constitutionality of an act in a whole or in its certain part, shall establish its conformity to the Constitution of the Republic of Belarus, the international legal acts ratified by the Republic of Belarus, other normative legal acts; when reviewing the constitutionality of an act the Constitutional Court shall take into

consideration both literal meaning of legal rules and the meaning attributed to them by their practical application.

This law actually establishes the power of the Constitutional Court to analyse, identify the meaning and set correlation between the content of rules (including rules-principles) of the Constitution as well as of the act under review on the basis of a reasoned presentation of the results of the analysis to make a final conclusion on the constitutionality or unconstitutionality of the legal rule. In that way, by its essence the exercise of this power by the Constitutional Court is constitutional and legal interpretation as a procedural form of the Court's activity.

When formulating the legal positions the Constitutional Court combines a wide arsenal of methods and techniques of interpretation.

Since the Constitutional Court shall exercise the interpretation of the constitutional principles and rules in the framework of a specific case, such an interpretation can be considered causal. However, the causal interpretation by the Constitutional Court is binding not only for the persons who are parties to the proceedings, but for all the other subjects of law. Such obligatory character of the interpretation by the Constitutional Court is due to two aspects: material and formal.

The material aspect is that since the causal interpretation of the Constitutional Court adequately fulfills the criteria of legality, rationality, scientific nature and fairness, it is used by other courts and law-enforcement bodies in the settlement of cases related to similar relations. The crucial role is played by the exceptional status of the Constitutional Court as the sole state body exercising constitutional review, as well as specific authority and professionalism of the interpreter.

The formal aspect is that since the Constitutional Court's decision has obligatory character, consequently, interpretive legal provisions set forth in the reasoning part of this decision, are also binding for an indefinite circle of persons and a number of life situations. The determining factor is the semantic continuity of the reasoning and the operative parts of the decision of the Constitutional Court, mediated character of the latter due to legal positions and conclusions contained in the reasoning part.

1.5. The constitutional principles are a kind of legal principles that have the highest degree of normative generality, imperative normative value, forming together with the constitutional values the core of the constitution.

The Constitutional Court in its decisions has repeatedly pointed to the role of the constitutional principles as fundamental foundations having the priority over other legal stipulations, as guidelines for the law-making and law-enforcement. Such constitutional principles as the rule of law, mutual

responsibility of the state and the individual, sovereignty of the people, separation of state power and interaction of its bodies, are developed by the Constitutional Court by comprehension of their meaning in the system connection with other principles of the Constitution. At the same time most of the constitutional principles (priority of human rights and freedoms and guarantees of their exercise, equality of all before the law, social justice, proportionality of restrictions of the human rights and freedoms) are interpreted by the Constitutional Court in relation to the specific constitutional rights and freedoms.

In particular, the constitutional principle of equality of all before the law, having a universal value, shall be applied to all entities, to the entire system of legal regulation, all branches of law, guarantees protection against all forms of discrimination; its "presence" shall cover all the rights and freedoms both individually and in aggregate. In this area in the Republic of Belarus as a social state the paramount importance is given to the constitutional requirement of respect of equality of guarantees of exercise of the social rights enshrined in the Constitution and laws. The Constitutional Court draws attention to the fact that, taking into account Articles 22 and 23 of the Constitution, the principle of equality of all before the law does not exclude the constitutionally based differentiation of legal regulation aimed at establishing the legal differences, benefits and preferences for certain categories of individuals (minors, persons with disabilities, etc.), on the condition that legal means used to achieve this goal are reasonable and proportionate to the protected values and goals.

1.6. In its decisions the Constitutional Court applies most the constitutional principles of sovereignty of the people, separation of powers and interaction of their bodies, the rule of law, equality and justice, proportionality of restrictions on rights and freedoms of the individual, integrity and equality of forms of ownership and their legal protection, free utilisation of abilities and property by all economic actors.

A special emphasis should be put on the principle of legal certainty as an integral element of the constitutional principle of the rule of law.

The Constitutional Court determined the legal certainty as one of the criteria for the constitutionality of provisions of laws checked in the exercise of obligatory preliminary review and one of the elements of the rule of law. Compliance with the principle of legal certainty, according to the Constitutional Court, anticipates an ambiguous understanding and, therefore, unlawful application of legal rules entailing violation of the rights and legitimate interests of individuals.

Under the influence of the Constitutional Court's decisions, that gave signals on the uncertainty of legal rules, legal certainty affirmed its importance

in the sense of justice of the legislator as a necessary condition for ensuring legal security. As a result, the Code of the Republic of Belarus on Judicial System and Status of Judges (Article 22.3) empowered the Constitutional Court to consider cases and to make decisions related to legal uncertainty.

The Constitutional Court in a number of decisions has formulated and has developed the principle of legal certainty. The mechanism of its ensuring was enshrined, among others, in chapter 24 of the Law "On the Constitutional Proceedings" which regulates the proceedings on elimination of legal gaps, collisions and legal uncertainty in normative legal acts. The practice of the Constitutional Court concerning consideration of applications submitted by individuals and organisations on elimination of legal gaps, collisions and legal uncertainty in normative legal acts is aimed at strengthening the constitutional principle of the rule of law, ensuring and protection of rights and freedoms.

The constitutional principle of the priority of human rights and freedoms and guarantees of their exercise is recognised as the inalienable principle of the state based on the rule of law. Moreover, the priority of the rights and freedoms and guarantees of their exercise as the supreme value and goal of the society and the State is enshrined in Article 2 of the Constitution of the Republic of Belarus. From this constitutional principle are directly derived the human right to judicial protection and the task of the Constitutional Court concerning the protection of the human rights.

The Constitutional Court by understanding the constitutional and legal meaning of legal rules formulates its legal positions aimed at the development and ensuring of the right to judicial protection, including access to constitutional justice (direct and indirect).

The mechanism of indirect access to constitutional justice in the Republic of Belarus is based on the initiative applications submitted by individuals and organisations to the competent bodies, that in the issue of consideration thereof shall make appropriate proposals to the Constitutional Court. Initiative applications in their essence is an indication that individuals and organisations have exhausted all legal means to protect their rights and legitimate interests.

The practice of the Constitutional Court has ensured the formation of indirect access of individuals and organisations to constitutional justice, its development in legislative acts (Article 22 of the Code on Judicial System and Status of Judges and Chapter 5 of the Law "On the Constitutional Proceedings" regulating issues of submission of proposals to the Constitutional Court by authorised bodies, submission of initiative applications and procedure of their consideration by authorised bodies).

2.1. In the existing theory and practice of constitutionalism in the Republic of Belarus there is a certain "conceptual" hierarchy of constitutional provisions.

The Constitutional Court of the Republic of Belarus believes that such concepts used in the Constitution as "goal", "value", "principle" taking into account their importance and substantive characteristics permit to establish a certain hierarchy within the constitutional provisions. The Constitutional Court in its decisions provides for interpretation of the constitutional provisions in their totality (goal, value, principles, rule), concluding to what extent the normative act (provisions of the act) under review meets the constitutional goals and contributes to their achievement; if guarantees and mechanisms enshrined in the normative act under review provide for proper and effective realisation of the constitutional values, principles and rules.

The practice of the Constitutional Court is based on the fact that in the absence of explicit rules on the hierarchy of certain constitutional provisions directly enshrined in the Constitution the relevant hierarchy results from the meaning, spirit of the constitutional matter as caused primarily by their orientation toward achievement and realisation of the mentioned constitutional goals and values, ensuring the constitutionalization of all forms of activities of the society and the state.

2.2. In its activities to ensure the supremacy of the Constitution of the Republic of Belarus the Constitutional Court strengthens the effect of the constitutional principles in the legal system of the state, considering these principles as fundamental foundations, guidelines, that are mandatory for all subjects of law, focusing on it not only the participants in the law-making process, but also law-enforcement bodies.

The Constitutional Court proceeds from the fact that rating of certain constitutional principles as explicit or implicit determines only the form of expression of the substantive characteristics, but does not prejudge in most cases their relationship to each other and therefore a strict hierarchy in relation to each other. The hierarchy can be established in terms of certain explicit principles that are complex in terms of their content and some implicit principles may be deduced from them. For example, the principle of the rule of law which includes a number of subordinate implicit principles.

In the publications of legal scholars and practitioners the similarity of views on the leading role and the importance of the constitutional principles in determining the overall strategy of the development of other fundamental constitutional provisions and sub-constitutional legislation can be observed.

2.3. The effect of the Constitution of the Republic of Belarus and procedure of its changing are defined in Section VIII of the Constitution. According to Articles 138-140 the Constitution may be changed by drafting and adoption of the Law on Making Alterations and Addenda to the Constitution (hereinafter, unless otherwise mentioned, – the constitutional law), as well as by making alterations and addenda through a referendum.

The issues of adoption of the new Constitution of the sovereign Belarus at the beginning of the 1990s were decided in accordance with the Constitution of the Byelorussian Soviet Socialist Republic of 1978. Article 97 of the Constitution of 1978 stipulated that the adoption of the Constitution, making amendments thereto shall be carried out exclusively by the Supreme Council of the Byelorussian Soviet Socialist Republic as the highest organ of state power of the Byelorussian SSR.

Article 149.2 of the Constitution of 1994, stipulating alterations and addenda to the Constitution may be made through a referendum, permitted to bring an issue on alterations and addenda to the Constitution of 1994 Constitution for the republican referendum which took place on 26 November 1996, in the issue of which the draft constitution proposed by the President of the Republic of Belarus was adopted by a majority of votes of citizens included in the voting lists – the Constitution of the Republic of Belarus of 1994 (with changes and additions).

Since the Constitution does not provide otherwise, it can be concluded that alterations and addenda may concern any structural element of the Constitution: the preamble, sections, chapters, articles, parts, paragraphs and provide for clarification of the content and updating titles of sections, chapters.

According to Article 140.3 of the Constitution sections I “Fundamentals of the Constitutional System” (Articles 1-20), II “Individual, Society and the State” (Articles 21-63), IV “President, Parliament, Government, Court” (Articles 79 -116), VIII “Effect of the Constitution of the Republic of Belarus and Procedure of its Changing” (Articles 137-140) can be changed only by a referendum. Consequently, the range of issues that may relate to alterations and addenda to the Constitution made by means of the constitutional law, adopted by the Parliament, is limited. Thus, the constitutional law may provide for amendments and additions to the Constitution concerning only Section III “Electoral System. Referendum” (Articles 64-78), Section V “Local Government and Self-Government” (Articles 117-124), Section VI “Prosecutor’s Office. Committee of State Control” (Articles 125-131), Section VII “Financial and Credit System of the Republic of Belarus” (Articles 132-136) and Section IX “Final and Transitional Provisions” (Articles 141-146).

The Constitution does not contain provisions on the impossibility of changing any of its provisions, i.e. the limits of the possible revision are not

defined. Neither the initial Constitution of 1994 nor the Constitution of 1994 (with changes and additions) do not provide for the existence of unamendable (“eternal”) provisions.

According to Article 138 of the Constitution, the issue of changing and adding the Constitution shall be considered by the Houses of the Parliament on the initiative of the President or of no less than 150 thousand citizens of the Republic of Belarus eligible to vote.

The Parliament, in that way, does not have the right to adopt the law on making alterations and addenda to the Constitution on its own initiative.

The analysis of the content of Article 138 of the Constitution in conjunction with the mentioned Article 97.1.1 of the Constitution allows to conclude that the draft law should be submitted to the House of Representatives in the exercise of the legal (constitutional) initiative and the title and the content of the draft law should indicate that it concerns namely alterations and addenda to the Constitution.

The law on making alterations and addenda to sections III, V, VI, VII and IX of the Constitution, that is possible without holding a referendum, shall be adopted after the two discussions and approvals by the Parliament with an interval of at least three months (simple double vote). By virtue of requirements of Article 140.1 of the Constitution the law on making alterations and addenda to the Constitution shall be deemed to be adopted if no less than two thirds of the full composition of each House of the Parliament voted for this law. It is 74 deputies for the House of Representatives, that is 2/3 of the 110 deputies, and 44 members of the Council of the Republic, that is 2/3 of the 64 members.

Alterations and addenda to the Constitution shall not be made by the Parliament during a state of emergency as well as during the last six months of the powers of the House of Representatives of the National Assembly of the Republic of Belarus. These restrictions for the Parliament concerning the time for possible amendments to the Constitution are enshrined in Article 139.2 of the Constitution.

The decision on changing or adding the Constitution by means of a referendum shall be deemed to be adopted if the majority of citizens on the electoral roll voted for it.

2.4. It seems that the procedure for making alterations and addenda (amendments) to the Constitution of the Republic of Belarus should be subject to constitutional review, as the respect of this procedure (even if it is determined at the constitutional level in the very general terms) shows the proper implementation of the constitutional provisions enshrining the procedure to amend the Constitution.

For the same reason, the procedure for amending the Constitution can not be attributed to the exclusive prerogative of the political actors, that are at the least “bound” by reasons of constitutionality when taking a decision on this issue.

2.5. The Law on Making Alterations and Addenda to the Constitution of the Republic of Belarus shall be checked by the Constitutional Court of the Republic of Belarus in the exercise of obligatory preliminary review of the constitutionality of laws adopted by the Parliament before they are signed by the President of the Republic of Belarus.

The obligatory preliminary review of constitutionality of laws excludes the need for the subject of law to submit an appropriate proposal on the review of the constitutionality of the adopted law.

At the same time, by virtue of the current legislation on the constitutional proceedings the constitutional laws adopted by the referendum can not be subject to constitutional review.

According to Article 102 of the Law “On the Constitutional Proceedings” the consideration of the case on review of the constitutionality of the law on making alterations and (or) addenda to the Constitution in the exercise of obligatory preliminary review shall be held with the use of the oral form of the constitutional proceedings in accordance with the procedure of constitutional proceedings defined by the present Law and other legislative acts taking into account the features of the case.

The scope of review of the constitutionality of the law in the exercise of obligatory preliminary review is defined in Article 54 of the Law “On the Constitutional Proceedings” stipulating that its conformity to the Constitution, the international legal acts ratified by the Republic of Belarus shall be established on the basis of: the content of rules; the form; the differentiation of the competence between the state bodies, other state organisations, officials, and also between the Republic of Belarus and the interstate formation; the procedure of its adoption.

The main feature of the procedure of checking the law on making alterations and (or) addenda to the Constitution is the exercise by the Constitutional Court of the obligatory preliminary review using the oral form of constitutional proceedings, whereas in respect of other laws in accordance with Article 101.1 of the Law “On the Constitutional Proceedings” the written form of the constitutional proceedings shall be used.

The possibility to check the constitutionality of the law on making alterations and (or) addenda to the Constitution in the exercise of obligatory preliminary review by the Constitutional Court, which was enshrined in the Law “On the Constitutional Proceedings”, has not caused any objections from

the legal community and expert organisations neither at the stage of endorsement of the draft law nor later.

The rules of this law, if adopted by the Parliament in accordance with the requirements of the Constitution, after its signing by the President of the Republic of Belarus and its entry into force become an integral part of the Constitution.

In such a case it is impossible to raise the issue of checking the constitutionality of constitutional provisions, that have been already modified (amended) by the law on making alterations and (or) addenda to the Constitution in the exercise of obligatory preliminary review according to the rules of Chapter 14 of the Law "On the Constitutional Proceedings" in the exercise of the subsequent review. Moreover, the possibility of the subsequent constitutional review of constitutional rules is not allowed under the provisions of Article 116.4 of the Constitution.

2.6. The Constitutional Court is empowered to check the constitutionality of amendments made to the Basic Law in terms of both substantive and procedural law.

In practice, there were no cases when the Constitutional Court assessed the constitutionality of the amendments made to the Constitution in the exercise of obligatory preliminary review (due to the absence of such laws). As already mentioned, the amendments were made to the Constitution twice by the republican referenda (in 1996 and 2004).

It is necessary to proceed from the fact that alterations and addenda made to the constitution should not destroy the constitution, unity and integrity of its provisions. This necessitates the inclusion in the constitutional process of special mechanisms that prevent arbitrary interference in the constitutional matter and guarantee the respect of the substantive and formal limits for modification of the constitutional text.

In this regard, it seems that the Constitutional Court when reviewing the constitutional law on making amendments in the exercise of the preliminary review shall be guided not only by compliance with the formal requirements set out in the above-mentioned Articles 138-140 of the Constitution concerning special procedures of making amendments to the Basic Law, but also, when identifying the meaning and spirit of the new rules within its competence, the Court shall establish their conformity (harmony) with the foundations of the constitutional order, especially the goals of democratic social state based on the rule of law, the ideas of sovereignty and democracy, respect for the human rights and freedoms and ensuring the guarantees for their implementation, ensuring the principle of separation of powers and their independence, equal

protection of all forms of property, ideological diversity and pluralism of opinions.

2.7. At the present time the obligatory preliminary review of constitutionality of laws adopted by the Parliament before their signing by the President of the Republic of Belarus, including the laws on making alterations and addenda to the Constitution of the Republic of Belarus, is carried out by the Constitutional Court of the Republic of Belarus on the basis of Article 22 of the Code of the Republic of Belarus on Judicial System and Status of Judges and the Law of the Republic of Belarus "On the Constitutional Proceedings".

the recognition of the powers of the Constitutional Court on the exercise of the constitutional review of amendments to the Constitution, including the obligatory preliminary review of the constitutionality of laws adopted by the Parliament before they are signed by the President, contributes to the realisation of the constitutional goals and it is one of the most important ways to protect the Constitution by legal means.